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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

**LAURA A. GADDY**, individually and on  
behalf of all others similarly situated,

*Plaintiffs,*

**v.**

**CORPORATION of THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST  
OF LATTER-DAY SAINTS**, a Utah  
corporation sole.

*Defendant.*

**[PROPOSED] SECOND  
AMENDED CLASS  
ACTION COMPLAINT**

(DEMAND FOR JURY TRIAL)

Case Number: **2:19-cv-00554-RJS-DBP**

Presiding Judge: Robert J. Shelby

Magistrate Judge: Dustin B. Pead

**I. NATURE OF THE CASE**

1. Plaintiff LAURA GADDY (“LAURA”) brings this case on behalf of hundreds of thousands of Mormons who have resigned from the Mormon *aka* “LDS” Church, against [the] Corporation of the President of the Church of Jesus Christ of Latter-day Saints (“COP”). The Church of Jesus Christ of Latter-day Saints™ (“COJCOLDS”), is a COP-owned a trademark.<sup>1</sup>

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<sup>1</sup> Despite the 2011-2013 “I’m a Mormon” ad campaign, in 2019 LDS President Russell L. Nelson announced it was no longer acceptable to refer to the Church as “Mormon,” its members as Mormons or LDS; the preferred term is now the Church of Jesus Christ of Latter-day Saints. Since then, COP has changed its official domain and other identifiers to comply with Nelson’s mandate. For brevity, this complaint will ordinarily use “LDS,” but will use “Mormon” and/or “Mormonism,” when referencing 19<sup>th</sup> Century Mormon historical events.

2. The case does not require the adjudication of the truth or falsity of religious beliefs.

Neither does it challenge normative statements by the Church.

3. The case concerns COP's half-century long scheme whereby it concealed seer stones, artifacts, original manuscripts, documents, and information material to Mormon origins during the lifetimes of Plaintiff and potential class members, while requiring 10% of their income, ostensibly used for religious purposes, but also used to expand the commercial holdings of the Mormon Corporate Empire, while preaching to its followers principles of honesty, including full disclosure, and individual free agency, as important religious principles unique to the divine authority of the LDS Church.

4. Defendant's commissioned and widely promulgated artwork was used as propaganda. It knowingly and willfully concealed the existence of seer stones, primary source documents, original manuscripts, and artifacts, in open behavioral contradiction to the Church's doctrinal beliefs on the subjects of honesty, full disclosure, and free agency. This was done with the intent to unduly influence the outcome of their proselytes' and young peoples' (who as minors could not consent but at eighteen were about to commit to the LDS Church), faith-based conclusions about the divinity of the Church.

5. Defendant's artwork depicted scenes from Mormon history that intentionally misled members about the foundation of the Church, including the processes used to create the *Book of Mormon*, and the LDS religion.<sup>2</sup> And, about Smith's first-person account of his First Vision.

6. Since at least 1961, COP has approved all rhetoric promulgated by and through its various subsidiaries described below. That rhetoric, often in the form of instruction manuals, was

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<sup>2</sup> Throughout history LDS leaders have called the *Book of Mormon* the keystone of LDS Church-

given to local leaders, LDS schools at both the secondary and college levels, and all LDS missionaries with instructions not to deviate from the written correlated material provided. This material included not only doctrine, but widely distorted historical facts about Mormonism.

7. The correlated material included art intentionally designed to mislead, obscure, and distort key facts about the historical foundation of the religion. Those facts are contained in stones, artifacts, original manuscripts, documents, and information concealed by COP's corporate leaders from lay LDS members.<sup>3</sup> The items include: an 1887 report of Smith's prolific extramarital sexual liaisons, later characterized as polygamy and polyandry, with dozens of women, documented by a 19<sup>th</sup> Century Mormon Church paid historian Andrew Jenson; Smith's only handwritten account of his 1820 vision which differs in key aspects from what Defendant has taught over the last 50 years. That account was ripped from its original ledger book and hidden in an LDS president's office safe in the mid-20<sup>th</sup> Century; Smith's original *Book of Abraham* manuscript and the Egyptian alphabet and grammar used by Smith in his alleged translation; a metal plate created under Smith's direction used to print facsimile no. 3 in the *Book of Abraham* has been in the Church's possession since created in 1842. The plate was removed from the index in the Church museum sometime after 1901, rendering it effectively concealed until 2009. The metal plate retained an errant ear ostensibly belonging to the figure of the Egyptian jackal-headed God Anubis. Smith or his agent incompletely altered the plate so that Anubis appeared as a human slave, in accordance with Smith's alleged translation of the facsimile figures on the papyrus; and the judge's docket entry from an 1826 fraud trial finding

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<sup>3</sup> Artifacts Smith used which are believed to be in Defendant's archives also include a Jupiter talisman, walking stick with Jupiter's symbol and other folk magic items that Smith used.

Smith guilty of pretending to find buried treasure with a peep stone. This list is not complete, but upon information and belief there are many more items concealed by COP that, if known by Plaintiff LAURA GADDY and others like her, would have made a difference in their faith-based conclusions and decisions to dedicate their lives and a portion of their income to the LDS Church.

8. At all relevant times, Defendant denied belief in a practice of “Lying for the Lord,” and taught doctrines of honesty, including full disclosure, and free agency. Therefore, LAURA and hundreds of thousands of former members of the COJCOLDS challenge the legitimacy of Defendant taking cover under a claim of First Amendment religious liberty, when for all relevant times it did not believe its correlated rhetoric. And, pursuant to its highly touted and sincerely held religious beliefs of honesty and free agency, all the while denying a belief in “Lying for the Lord,” Defendant COP should have disclosed material information which it had concealed.

9. For all relevant times from the mid-20<sup>th</sup> Century onward, Defendant’s leader-agents invited the trust of LDS members through promises that LDS leaders would never lead them astray, instructed their followers to use only COP-approved (correlated) materials, to avoid outside sources that contained “Anti-Mormon lies,” taught its followers that honesty includes full disclosure, and that one can deceive through silence.<sup>4</sup> And, that: “A lie is *any* communication given to another with an intent to deceive.”<sup>5</sup>

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<sup>4</sup> <https://www.churchofjesuschrist.org/study/manual/gospel-principles/chapter-31-honesty?lang=eng> (viewed December 19, 2020).

<sup>5</sup> Apostle Marvin J. Ashton, Conference Report, Apr. 1982, p. 10; and *Ensign*, May 1982, p. 9. Online, and directed to be used as a Family Home Evening Lesson, as of Feb. 17, 2021 at: <https://www.churchofjesuschrist.org/study/manual/duties-and-blessings-of-the-priesthood-basic-manual-for-priesthood-holders-part-b/gospel-principles-and-doctrines/lesson-31-being-honest?lang=eng>

10. Defendant's leader-agents made the promises that they would never lead their followers astray.<sup>6</sup> But aware that they had the above-described hidden stones, artifacts, original manuscripts, documents, and information that the average LDS follower knew nothing about, the promise was never intended to be kept; it was broken the moment it was spoken. Instead, Defendant intended to deceive Plaintiffs so that they would continue to trust their leaders and devote themselves to the expansion of the Mormon Corporate Empire. Though Defendant may have believed such deception was for Plaintiffs' well-being, that was not for them to judge. Upon

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<sup>6</sup> Statement by George Albert Smith, "[The Lord] will not permit the men who preside over his church to lead the people into error, but he will sustain them with his almighty power..." Conference Report, April 1934, 29. "You need never worry. You will always be safe as you follow the leadership of this Church. Individuals may go wrong. Even individuals in high places might falter, but there will never come a time when a majority of the leaders in this kingdom will go astray. You may be sure of that. As promised by Spencer W. Kimball, "Revelation," Address given at the Brigham Young University Stake Conference, January 13, 1957, 12; Statement by Apostle and member of the Quorum, Delbert L. Stapley: "...No one will go astray if he follows the teachings and examples of God's anointed here on earth..." (May 5, 1964, *BYU Speeches of the Year, 1964*, 5.) "...neither the President of the Church, nor the First Presidency, nor the united voice of the First Presidency and the Twelve will ever lead the Saints astray or send forth counsel to the world that is contrary to the mind and will of the Lord," Statement by President Joseph Fielding Smith, "Counsel to the Saints and to the World," *Ensign*, July 1972, 88. "...here in 1964 we have a mouthpiece to whom God is revealing his mind and will. God will never permit him to lead us astray. As has been said, God would remove us out of our place if we should attempt to do it." Statement by President Harold B. Lee, "The Place of the Living Prophet, Seer, and Revelator," Address to Religious Educators, 8 July 1964; cited in *Charge to Religious Educators*, 2<sup>nd</sup> ed. [Salt Lake City: Church Educational System and The Church of Jesus Christ of Latter-day Saints, 1982], 112; "God will do nothing regarding His work except through His own duly anointed prophets! They are His servants. They are the watchmen on the towers of Zion; "They will give us the Lord's word in no uncertain terms as God makes it known. That is why He has His prophets on earth. They are for the edification of the Saints and to protect us from every wind of doctrine. Let us follow them and avoid being led astray." - Apostle Mark E. Peterson; "When Shall It Be?" *Church News*, December 12, 1981, p. 16; "We will not and cannot lead you astray." [\*Stay in the Boat and Hold On!\*](#) Elder M. Russell Ballard, General Conference, October 2014.

discovery of the longstanding deceit, GADDY and those like her who had been led astray by Defendant realized that they had behaved foolishly in reliance on their LDS leaders' promise and correlated rhetoric.

11. It also taught free agency, which involves the power and divine right to choose one's actions and formulate one's conclusions within a context of full and fair disclosure without manipulation or coercion, as a principle necessary to God's fair and final judgment. This doctrine was emphasized in General Conference speeches by LDS apostles and General Authorities from at least 1971 through 2006. All the while Defendant promulgated a deceptive scheme to obtain and cultivate followers' decades-long devotion and 10% of their income that it used not only for religious expenses but for commercial projects. The correlated rhetoric, the official version of LDS history that induced followers to believe, was based on distorted information and without reference to the material items it had concealed.

12. Prior to mid-1990s high-speed internet access, most LDS members were progeny of Mormon pioneers living in Utah and were geographically and culturally isolated. Occasionally some members of the Church would come across damaging information that contradicted traditional correlated Mormon history. When questioned, their leaders, told them that the information was "Anti-Mormon lies." In the early 2000s, and expanding into the 21<sup>st</sup> Century, high speed access eventually led to the spread of websites containing a version of Mormon history contradicting COP's correlated narrative in important ways. When queried, Defendant instructed members to avoid the internet for answers to questions about Church History.

13. COP also taught its followers that tithing is always used for Church [reasonably interpreted as religious] purposes, in contradiction to disclosures in the IRS Whistleblower Complaint that COP used tithing principal for commercial or profit-making businesses.<sup>7</sup>

14. Resignations from the LDS Church (not just mere inactivity) are overwhelmingly based upon previously faithful members' discovery of this scheme perpetrated by Defendant COP.

15. Damages suffered by Plaintiffs are similar to those documented in the *LDS Personal Faith Crisis [Report]* ("*LDSPFCR*"), a noncommissioned survey of more than 3,000 disaffected LDS members by LDS scholars. They include the following: existential crises, suicidal ideation, destruction of familial relationships, insomnia, anxiety, and depression.<sup>8</sup>

16. Yet it was not until after the report was provided to LDS corporate leaders that COP began to publish unannounced, incremental, and intentionally hard-to-locate disclosures that acknowledge some of the half-century long misrepresentations that they had created.

17. Terryl Givens, professor and LDS writer noted, circa 2012: "*Not since Kirtland* (where a mass Mormon exodus occurred after the Kirtland Bank failure in 1837, for which Smith was charged with running an illegal bank. The bank failure caused many Mormons to become bankrupt), *have we seen such an exodus of the Church's best and brightest leaders*"<sup>9</sup> He was referring to the thousands of LDS members who had become inactive due to their discovering Mormon/LDS history that contradicted in key aspects what they had been taught in the Church.

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<sup>4</sup> <http://openargs.com/wp-content/uploads/IRS-Letter-Final.pdf> Whenever misrepresentations re: tithing use is referenced herein, it should be construed as tithing principal, not merely interest on tithing.

<sup>8</sup> The term "Plaintiffs" is used hereinafter as a short-hand designation meant to include both Laura A. Gaddy and those persons similarly situated, i. e., members of the potential Class. Exhibit No. 1 filed herewith, is a copy of the *LDSPFCR*, now readily available on the internet.

<sup>9</sup> *LDSPFCR* p. 30.

18. The survey conducted found that 70% of respondents agreed that “I studied church history and lost my belief,” was a major factor in their disbelief. Specific issues included: Smith’s polygamy and polyandry, *Book of Abraham* translation, Smith’s use of a peep/seer stone, prior treasure digging and participation in folk magic and conflicting versions of the First Vision. The Report concludes that: “The gap between the history currently taught and factual history is—in certain instances—highly differentiated.” The last few pages of the *LDSPFCR* advise LDS leaders to: “Inoculate current membership and future generations by closing the gap between our historical narrative and factual history. See Exhibit. No. 1, to this complaint, the *LDSPFCR*, filed herewith.”<sup>10</sup>

19. For the years 2008-2018, Utah was the nationwide leader in affinity fraud. According to experts it leads by more than 2/3 ahead of the next state, which was Florida. The majority of Utah’s population is Mormon. Attorney Mark Pugsley has worked in affinity fraud for decades and identifies that the problem causing this alarming data is that faithful LDS trust their leaders.

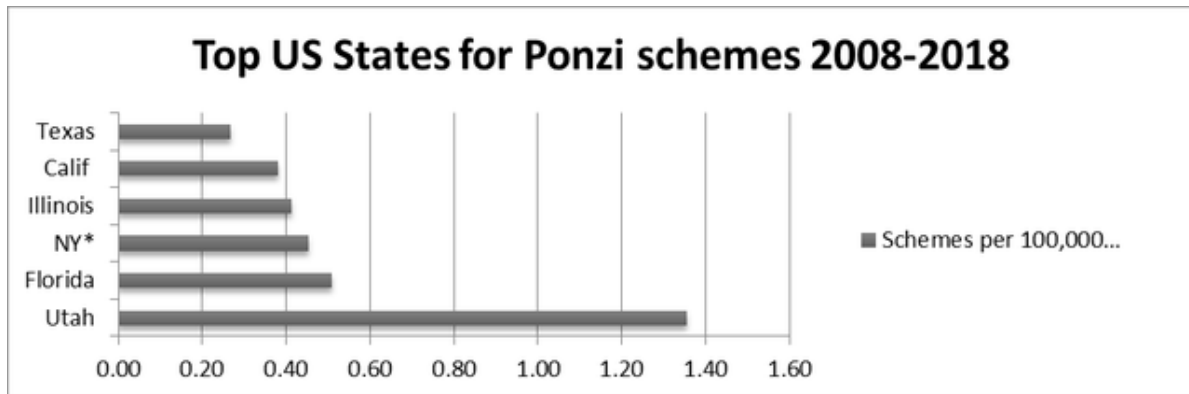
20. Some LDS members concoct Ponzi schemes, duping faithful Mormons out of their life savings. They use the same methods used by COP leader-agents in relation to LDS faithful—they gain investors’ trust by omitting facts material to the investment, while inviting investors to trust them, building a relationship with them and all the while intending to deceive them.<sup>11</sup>

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<sup>10</sup> *LDSPFCR* p. 127. At the time of the filing of the original complaint the *LDSPFCR* was not widely available; since then, it has become easily discoverable on the internet and therefore, with the permission of its author, is filed as an exhibit to the proposed 2AC.

<sup>11</sup> <https://rqn.com/blog/utahsecuritiesfraud/finally-its-confirmed-utah-has-more-ponzi-schemes-per-capita-than-any-state-in-the-country-by-far/#.XgKY1kdKi71>





21. Plaintiffs claim easily calculable special damages for payments of cash and the value of services rendered to Defendant by former members of the LDS Church. Plaintiffs also claim general damages for COP's non-RICO fraud and reckless infliction of emotional distress.

22. Additionally, in the 21st Century there have been several reports which find that Utah is the leader or one of the top states for depression and mental illness. Surveys have queried individuals with lists of symptoms, not by diagnosis. It is not a function of more treatment, but more symptoms as reported by individuals.

23. Besides special damages for tithing paid under false pretenses, the value of missionary service and tuition to LDS educational institutions, general damages are significant. A key item of psychological damage is cognitive dissonance, which occurs when what faithful LDS have been taught their entire lives is discovered to be a fraudulent scheme to grow a corporate empire.

## **II. ALLEGATIONS OF RELEVANT MORMON/LDS HISTORICAL FACTS**

24. The LDS Church claims it is the restored gospel of Jesus Christ which had become corrupt after Christ's death. Attempts by Reformation Era leaders such as Luther and Calvin to reform Christ's church are generally claimed by COP to have been inadequate attempts to restore the

gospel. Instead, Joseph Smith Jr. (“Smith”), a fourteen-year-old boy from upstate New York, was chosen to restore the one true gospel of Jesus Christ on Earth.

25. COP teaches that Smith’s First Vision, the incipient event in Mormon history, was in 1820 when he was fourteen. It teaches that Smith claimed to have seen two personages: God the Father and Jesus Christ his Son, who told him that all other religious “creeds” were false and that he should join none of them. The First Vision is admittedly the key event upon which the LDS Church, the restoration and embodiment of the Jesus Christ’s gospel, was founded.

26. In 1823 Smith was visited by Angel Moroni, who explained that gold plates buried in a nearby Hill Cumorah contained a record of ancient Hebrew prophets who had immigrated to America about 600 BCE.<sup>12</sup> Two main tribes emerged from the Hebrew posterity: the Lamanites, and the Nephites. The Nephites were “white and delightsome,” lighter skinned, which reflected their superior righteousness. In contrast, the Lamanites (who are today’s Native American ancestors) are described as “dark and loathsome,” a reflection of their wickedness. The last Nephite, Mormon, is purported to have abridged and compiled the history of his people on the gold plates, along with teachings about the gospel. The language was described by Smith as “Reformed Egyptian.”

27. After his resurrection, the *Book of Mormon* claims that Jesus Christ appeared among the Nephites and taught them.

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<sup>12</sup> For convenience, the plates are referenced as “gold.” Mormon history refers to both gold plates and plates that had the “appearance of gold.”

28. Though Smith found the plates in September 1823, it was not until September 1827 after several visits from Angel Moroni, that he was allowed to retrieve them. The *Book of Mormon* is marketed as “another testament of Jesus Christ,” a companion to the Bible.

29. In 1826 Smith was charged in Bainbridge New York with disorderly conduct (a 19<sup>th</sup> Century statute which included what today would be fraudulent activities), based upon scrying or looking for buried treasure with a peep stone. According to the docket entry he was found guilty.

30. Once Smith retrieved the gold plates, according to the traditional correlated narrative, he translated the *Book of Mormon* in a few months. He attempted to sell the copyright but could not. The *Book of Mormon* was published in March 1830; the Church was created on April 6, 1830.

31. In 1842, some of Smith’s followers purchased Egyptian papyri from a traveling salesman, on the basis of Smith’s representation that he could translate them. Smith translated the papyri into what is now LDS canonized scripture, the *Book of Abraham*. The book teaches about cosmology and the preexistence of souls before Earth life. Claimed to have been written by the Hebrew prophet, Abraham, it contains three facsimiles from the papyri which Smith translated as depicting Abraham and events in his life. The preface states:

## THE BOOK OF ABRAHAM

TRANSLATED FROM THE PAPYRUS, BY JOSEPH SMITH

*A Translation of some ancient Records that have fallen into our hands from the catacombs of Egypt. **The writings of Abraham while he was in Egypt, called the Book of Abraham, written by his own hand, upon papyrus.*** [Emphasis added].

32. Smith's translation has been decried by Egyptologists as fraudulent. (See Exhibit. No. 2, to this complaint), filed herewith. Defendant has recently admitted in its *Book of Abraham* essay that the figures do not depict Prophet Abraham nor his life events.<sup>13</sup>



Figure	Joseph Smith's explanation <sup>[119]</sup>	Explanation by Egyptologists
General Comment	Abraham is reasoning upon the principles of Astronomy, in the king's court.	"Invocation (text at bottom line below the illustration): O gods of the <u>necropolis</u> , gods of the caverns, gods of the south, north, west, and east grant salvation to the Osiris Hor, the justified, born by Taikhibit." <sup>[120]</sup>
1	Abraham sitting upon Pharaoh's throne, by the politeness of the king, with a crown upon his head, representing the Priesthood, as emblematical of the grand	"Label for <u>Osiris</u> (text to the right of figure 1 of Facsimile No. 3): Recitation by Osiris, Foremost of the Westerners,
	Presidency in Heaven; with the scepter of justice and judgment in his hand.	Lord of <u>Abydos</u> (?), the great god forever and ever(?)." <sup>[120]</sup>

<sup>13</sup> <https://www.churchofjesuschrist.org/study/scriptures/pgp/abr/1?lang=eng> (Viewed 08/02/19)

2	King Pharaoh, whose name is given in the characters above his head.	"Label for <u>Isis</u> (text to the right of figure 2 of Facsimile No. 3): Isis the great, the god's mother." [120]
3	Signifies Abraham in Egypt as given also in figure 10 of Facsimile No. 1.	"Altar, with the offering of the deceased, surrounded with <u>lotus flowers</u> , signifying the offering of the defunct." [79]
4	Prince of Pharaoh, King of Egypt, as written above the hand.	"Label for <u>Maat</u> (text to the left of figure 4 of Facsimile No. 3): Maat, mistress of the gods." [120]
5	Shulem, one of the king's principal waiters, as represented by the characters above his hand.	"Label for Hor the deceased (text in front of figure 5 of Facsimile No. 3): The Osiris Hor, justified forever." [120]
6	Olimlah, a slave belonging to the prince.	"Label for <u>Anubis</u> (text in front of figure 6 of Facsimile No. 3): Recitation by Anubis, who makes protection(?), foremost of the embalming booth ..." [120]

33. During his life Smith was arrested 42 times and charged with 30 crimes in states from New York to Missouri. Charges included disorderly person (involving scrying or glass-looking, using a peep stone to find buried treasure), fornication, adultery, perjury, threatening a judge, bank fraud, inciting a riot, multiple charges of conspiracy to commit murder, and multiple charges of treason. In many of these cases he escaped the jurisdiction of the court, moving generally westward with his followers before he could be tried. At all relevant times, COP has omitted specific reference to Smith's criminal history in all of their correlated materials. <sup>14</sup> Instead, it has characterized him as a righteous if uneducated man.

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<sup>14</sup> In 2018 the *Joseph Smith Papers* ("JSP") a COP publication, announced the publication of a single volume with legal documents, only available online. [it] "will contain legal papers in which Smith was a judge, witness, plaintiff or a defendant, and financial records including land transactions and "accounts of church-owned businesses (Viewed 10/10/2018). <https://www.josephsmithpapers.org/articles/2018-news?highlight=2018%20news>

34. Mormon pioneers, led by Brigham Young who had assumed the role of prophet and president after Smith's death, entered the Deseret Territory in 1847.<sup>15</sup> Defendant has been relatively open about Young's 55 wives. COP has taught that Young's polygamy was a necessary practice due to the number of women who outnumbered men in the Mormon Church.

35. On the other hand, COP concealed founding prophet Smith's practice of adultery, polygamy, and polyandry. Smith's purported revelation on polygamy was dated after his death. However, concealed Mormon Church reports dating from 1887 verify his sexual liaisons with many young women. But in correlated rhetoric, throughout all relevant time periods, Defendant presented Smith as monogamous, married to only one wife, Emma Hale Smith.

36. The Mormons established a theocratic kingdom in the Deseret Territory. In 1850 the University of Deseret was established. In 1851 newly enacted legislation provided public taxation that funded schools largely organized and run by the Mormons.

37. LDS President Brigham Young Boasts of the Quality of Mormon Liars. Mormon leader Brigham Young brags that [the Church] has "the greatest and smoothest liars in the world." *Journal of Discourses*, 4: 77, Brigham Young, 1857.

38. After passage of both the 1877 *Edmunds Tucker Act* prohibiting religious books in the classroom and the *Free School Act* of 1880, ensuring schools would be "free from sectarian control," the mainstream Mormon Church, now headquartered in the Deseret Territory, established the Church Educational System ("CES"). By then, 20% of the territorial population were not affiliated with the Mormon Church.

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<sup>15</sup> Mormons have always claimed to be "prophet, seer, and revelator," in addition to president.

39. In 1890, as a condition of statehood, the Mormon Church abandoned polygamy *via* the Mormon Manifesto. However, the practice continued for at least 20 years, causing issues in senate confirmations of some Utah politicians running for U.S. congressional seats. Currently it is believed that only fundamentalist Mormons engage in Earthly polygamy practice, though the law of “Celestial Marriage” *aka* polygamy, is an LDS principle practiced in the afterlife.

40. In 1912, the *New York Times* published an exposé on Smith’s *Book of Abraham* translation, quoting an Oxford Egyptologist’s opinion that the work is an “impudent fraud.”<sup>16</sup>



41. Near that time, Franklin Spencer Spalding, reverend for the Salt Lake Episcopal Church, sent a letter to the Mormon leaders in Salt Lake City, informing them of the Egyptologists’ opinion. The notice included the following: “It is difficult to deal seriously with Joseph Smith’s

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<sup>16</sup> See Exhibit 2 filed herewith, “Museum Walls Proclaim Fraud of Mormon Prophet,” *The New York Times*, Magazine Section, Dec. 29, 1912. Article also available to read at this link: <http://www.utlm.org/onlineresources/nytimes1912papyrus.htm> Several years ago COP stealthily published its online essay admitting some of what is in this article here: “Translation and Historicity of the Book of Abraham,” Gospel Topics Essays (2016 version). <https://www.churchofjesuschrist.org/manual/gospel-topics-essays/translation-and-historicity-of-the-book-of-abraham?lang=eng> (Last Viewed 09/10/2019).

impudent fraud,” wrote Dr. A. H. Sayce of Oxford University. The assistant curator of the New York Metropolitan Museum, Dr. Arthur Mace, who had located the papyrus in the museum’s files, called the Mormon translations “... a Figaro of nonsense.” The Reverend apparently received no response. Upon information and belief, the Church has concealed that letter in their archives and has never disclosed it to its lay members.

42. In January 1922, official Mormon Church historian B. H. Roberts spent days in a combined meeting of the First Presidency, apostles, and seventies presidents. He spoke of issues with *Book of Mormon* historicity and origins, suggesting it was a collaborative effort. Roberts recommended that the problems he identified should be researched and publicly discussed.

43. According to a 2019 master’s thesis prepared by Shannon Caldwell Montez, in April, May, and June of 1922, Roberts presented his concerns to another group of highly educated men and women outside the Mormon hierarchy, but presumably contacted by Mormon leaders for a meeting at the home of Attorney James Moyle and his wife, Alice. As documented by Apostle and engineer Richard Lyman, the group included experts in law, medicine (Roberts’ third wife, Doctor Margaret Shipp Roberts), geology, archeology, and speech. Other journal entries referenced include two more physicians. Every member of the group had obtained graduate degrees from institutions outside Utah. The “group represented many aspects of Mormon belief, different areas of expertise, and varying approaches to dealing with challenging information.”<sup>17</sup>

44. Montez writes that: “[t]he information Roberts presented to both leadership and this group of Mormon intellectuals remained hidden, denied, and ignored (but not forgotten) for over

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<sup>17</sup> [https://scholarworks.unr.edu/bitstream/handle/11714/6712/Montez\\_unr\\_0139M\\_13054.pdf](https://scholarworks.unr.edu/bitstream/handle/11714/6712/Montez_unr_0139M_13054.pdf) (Accessed Feb. 10, 2021)



sixty years. It was discovered and published as *Studies of the Book of Mormon* in 1985,” a collection of B. H Roberts writings with editorial commentary that characterizes his struggles as revoked on his deathbed or characterizes his writing voice as that of a devil’s advocate.

45. Contemporaneous notes from attorney Stephen L. Richards read: “Closed. First Presidency Vault (only first presidency can access).” Richards served as First Counselor to David O. McKay, when he was Church Commissioner of Education, was a member of the Quorum of the Twelve Apostles and First Counselor in the First Presidency. According to Montez, Richards was also mentor to Gordon B. Hinckley, LDS President from 1995-2008.

46. In 1923 the LDS Church was incorporated.

47. 1925, COP leader agents discovered that a few BYU affiliated members had obtained copies of Roberts’ 1925 manuscript detailing issues with *Book of Mormon* historicity and origins. They were ordered by Defendant’s agents to destroy them and to ‘keep your mouths shut.’”<sup>18</sup>

48. In 1930, Church Historian and Apostle B. H. Roberts Confirms that LDS President Joseph Fielding Smith has Custody of Smith’s Brown Seer Stone in his Office Vault.

49. In Depression Era 1930s, the LDS Church announced a comprehensive welfare program. Federal Dept of Labor and Management, WPA administrative assistant Dean R. Brimhall visited Utah in 1936 and wrote that “most of the propaganda that has come out about the efforts of the Utah church [to provide financial help to its members] is fictitious.” That despite the myths that Church welfare had enabled most of its members to avoid public assistance, “Utah as a whole had a very heavy federal works program load,” and it was “among the highest in the nation.”<sup>19</sup>

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<sup>18</sup> Wesley P. Walters, *Origins of the Book of Mormon*, p. 124, n. 3.

<sup>19</sup> Dean R. Brimhall letter to E.A. Rusk, 20 August 1938. University of Utah archives.

50. In 1938 J. Reuben Clark, then an apostle and 2<sup>nd</sup> counselor in the LDS First Presidency, gives a classic speech to CES educators. In “The Charted Course,” Clark acknowledges that young LDS students are “inquirers seeking after truth.” He then warned CES teachers from sowing seeds of doubts as to the truthfulness of the LDS religion or Church, stressed the pragmatic success of the Church and called upon teachers to show “intellectual courage” in the face of secular information which would undermine LDS teachings.

51. 1955, LDS apologist, BYU Professor Hugh Nibley writes an article for COP’s *Improvement Era*, documenting the manipulation of history, citing numerous examples. But then, quoting Aquinas he writes: “A subtle and very effective form of censorship is the silent treatment. “It is permitted,” writes St. Augustine, “for the purpose of building up religion in things pertaining to piety, when necessary, to conceal whatever appears to need concealing; but it is not permitted to lie, of course, and so one may not conceal by way of lying.” *The distinction is too fine, for silence can be very mendacious.*”<sup>20</sup> [Emphasis added.] According to BYU, “This series [Nibley’s articles on controlling the past by manipulating history] was to have been continued in the correlated *Era* but was abandoned, later published in an academic journal.”<sup>21</sup>

52. After recovering Smith’s Egyptian papyrus in 1966, COP appoints Nibley to defend Smith’s translation.<sup>22</sup> (See ¶¶58-61 photo of papyrus and resulting Facsimile No. 1, below.)

53. In the late 1950s based on a seven-million-dollar surplus, Henry D. Moyle a member of the Quorum of the Twelve Apostles, starts to purchase large parcels of land for the Church and a

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<sup>20</sup> Hugh Nibley, Ph.D., “The Way of the Church Part 1: Controlling the Past -III Censorship” *Improvement Era* 58 (Mar. 1955), 152-4, 166, 168.

<sup>21</sup> <https://nibley.lib.byu.edu/tag/the-church-history/> (Viewed January 14, 2021.)

<sup>22</sup> Hugh Nibley, Ph.D. "Controlling the Past ," "Two Views of Church History, “*The Improvement Era.*, 58 (Feb. 1955), 86-7, 104, 106-7.

new property division of the Church is founded (which has changed names over the decades). This occurs after the Church reported having a \$7 million dollar tithing fund surplus. Doyle's spending results in the Church becoming \$8 million in debt soon thereafter.

54. From 1915 to 1959 Church leaders provide an accounting of tithing expenditures.

55. 1959 is the last year COP reveals its annual income and expenses to LDS members. The current representation at Conference is: "In all material respects, contributions received, expenditures made, and assets of the Church...have been recorded and administered in accordance with appropriate accounting practices, approved budgets, and Church policies and procedures."

56. 1961, COP creates a Correlation Committee or Department to ensure "purity of doctrine."

57. In the 1960s, Apostle N. Eldon Tanner establishes a practice of setting aside money from annual donations, including member tithing, for a rainy-day fund, which upon information and belief, later became Ensign Peak Advisors ("EPA").

58. 1966, assistant curator at the New York Metropolitan Museum of Art, Dr. Arthur Mace, locates the papyrus used as the source for *Book of Abraham*, Facsimile No. 1. The Church gains custody of the papyrus in 1967. Egyptologists confirm it is the Ptolemaic priest Hor's funerary document. Mace characterizes Smith's translation as "...a figaro of nonsense." COP hires Hugh Nibley, a student of ancient languages but non-Egyptologist, as their official apologist to refute all mainstream Egyptologists' opinion that Smith's translation is fraudulent.


59. The sketched outline of a human head is drawn over the first figure on the left of the re-discovered papyrus used for Facsimile No. 1, depicted below. The underlying, black-skinned figure is interpreted by all Egyptologists as the jackal-headed Egyptian God Anubis, the same Egyptian god as figure no. 6 depicted in *Book of Abraham*. Facsimile no. 3. See ¶32 chart, above.

60. The “Smith Papyrus,” including a fragment Defendant admitted was the source of *Book of Abraham* Facsimile one, is rediscovered at the New York Metropolitan Museum in 1966:





61. The chart below compares Smith’s translation with that of Egyptologists’.

The Book of Abraham		
A common funerary document		
Joseph Smith's Interpretation	Translated Correctly? Facsimile #1, Book of Abraham	Modern Egyptological Interpretation
The Angel of the Lord.		1 The spirit or "ba" of Hôr (The deceased fellow)
Abraham fastened upon an altar		2 The deceased: His name was "Hôr"
The idolatrous priest of Elkenah		3 Anubis (see original image, this figure was originally portrayed with the head of a Jackal)
The altar for sacrifice by the idolatrous priests, standing before the gods of Elkenah, Libnah, Mahmackrah, Korash, and Pharaoh.		4 A common funereal bier or "lion couch"
The idolatrous god of Elkenah.		5 Canopic jars containing the deceased's internal organs.
The idolatrous god of Libnah.		6 This is the god "Horus"
The idolatrous god of Mahmackrah.		7 A libation table bearing wines, oils, etc. Common in Egypt.
The idolatrous god of Korash.		8 A palace façade, called a "serekh"
The idolatrous god of Pharaoh.		9 This is just the water that the crocodile swims in.
Abraham in Egypt		
Designed to represent the pillars of heaven, as understood by the Egyptians.		
Raukeeyang, signifying expanse, or the firmament over our heads; but in this case, in relation to this subject, the Egyptians meant it to signify Shaumau, to be hig, or the heavens, answering to the Hebrew word, Shaumahyeen.		
Joseph Smith's Interpretation available @ <a href="https://lds.org/scriptures/pgp/abr/fac-1">lds.org/scriptures/pgp/abr/fac-1</a> Modern Egyptological Interpretation compiled @ <a href="https://bookofabraham.com/boamathie/BOA_6.html">bookofabraham.com/boamathie/BOA_6.html</a> LDS apologist explanation @ <a href="https://en.fairmormon.org/Book_of_Abraham/Joseph_Smith_Papyri/Facsimiles/Facsimile_1">en.fairmormon.org/Book_of_Abraham/Joseph_Smith_Papyri/Facsimiles/Facsimile_1</a>		

62. Defendant acquired the papyrus fragments in 1967. Among the fragments it admitted one as the source of Smith’s Facsimile No. 1 from his own Egyptian Alphabet and Grammar notes.<sup>23</sup>

<sup>23</sup> *Improvement Era*, Feb. 1968, p. 40.

63. Though Defendant did not make public an official commissioned translation, it was presented with several Egyptologists' translations of the key papyrus, including Henry L. F. Lutz and Leonard H. Lesko. Both identified it as the Egyptian *Book of the Dead*. Their reports were presented to Milton R. Hunter of the first Quorum of the Seventy, and Apostle Hugh B. Brown, and others. Both Hunter and Brown admitted privately that the *Book of Abraham* was not what the Church claimed. Despite his initial skepticism about the helpfulness of the papyrus, Hugh Nibley was hired as the apologist for the *Book of Abraham*, writing its defense.

64. 1977 Amendment filed to COP's Articles of Incorporation gives COP the right to acquire, manage and dispose of assets without authority from LDS Church members.

65. 1972-1981, COP censors, and after nine years of his frustrated service, demotes LDS Church Official Historian Leonard J. Arrington, who wants to publish "real" Church history. Arrington documents his struggles with Correlation and the LDS leaders (the Brethren), in his private journals which he kept from 1972-1997, some of which are published posthumously.

66. Arrington describes his experience with the LDS correlation process:

With some amazement, Leonard recorded that the editors first used their own judgment regarding what to publish, but then submitted it to managing director Doyle Green to check. He, in turn, worked through Correlation Committee review. If a disagreement then emerged, the proposed publication went to the Quorum of the Twelve, where Thomas Monson, Gordon Hinckley, and Boyd Packer made the ultimate decision. There were subjects the editors were not allowed to broach.<sup>24</sup>

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<sup>24</sup> *Leonard Arrington and the Writing of Mormon History*, by Gregory A. Prince. University of Utah Press (May 30, 2016). Kindle location 4193.

67. 1981, LDS President Spencer W. Kimball proclaims the Three-Fold Mission of the Church in April General Conference. He outlines the three major elements of the mission or purpose of the Church to: proclaim the gospel, perfect the Saints, and redeem the dead.

68. 1990s. Missionaries serving in this decade and beyond (post internet), are often confronted with the historical anomalies and misrepresentations identified in this case. When they are, and seek counsel from their leaders, they are told: "...for the first time on [our] missions were told directly and explicitly by [our] leaders that they were anti-Mormon lies."

69. 1991, LDS Apostle Gordon Hinckley creates a policy of investment pools to pay for future expenditures. Only interest income from the pools would be used for expenses. There is no information publicly available regarding the source of the principal for the investment pools.

70. 1997, COP-owned Ensign Peak Advisors ("EPA") is incorporated as a non-profit entity.

71. During the early 2000s (upon information and belief, 2003-2012) the Church uses several billion dollars' worth of tithing principal for profit-making entities, in contradiction to COP's longstanding representations that tithing is used only for Church [religious] purposes. During this time Defendant assures members that no tithing has been used for Salt Lake's City Creek Mall.

72. By comparison, COP donates just \$1.3 billion in humanitarian aid from 1985—2010.

73. In 2012, COP amends and adds a disclaimer to its tithing forms. Those forms, both pre and post 2012, are depicted below.<sup>25</sup> Even with the disclaimer, the tithing forms printed by COP, tracking the types of categories that the Brethren had historically indicated tithing was used for, and as of 2009 humanitarian aid, for all relevant times, leads a tithe-paying LDS

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<sup>25</sup> *"Though reasonable efforts will be made globally to use donations as designated, all donations become the Church's property and will be used at the church sole discretion to further the Church's overall mission."* The prior disclaimer related only to the use of missionary funds.

member, including Plaintiffs herein, to believe that the categories restated: General and Ward Missionary Fund, Book of Mormon, Temple Construction, Perpetual Immigration Fund, and Humanitarian Aid, both in COP rhetoric cited below (¶¶188, 204-205, 208, 213-214, 220-221, 233, 253-254), and as printed on the tithing forms, are categories that their tithing (at least principal), is used for. Nowhere and never has COP disclosed that tithing principal is used to fund commercial projects.

**Tithing and Other Offerings**

Date \_\_\_\_\_ Ward or branch \_\_\_\_\_

Name (last, first, middle). Use the same spelling on all your slips. \_\_\_\_\_

Full address \_\_\_\_\_

<b>Tithing</b>	\$	
<b>Fast offering</b>	\$	
Ward missionary	\$	
General missionary	\$	
Book of Mormon	\$	
Humanitarian aid	\$	
Temple construction	\$	
Perpetual education	\$	
Other (specify)	\$	
<b>Total</b>	\$	

Check(s) \_\_\_\_\_ Currency \_\_\_\_\_ Coin \_\_\_\_\_

Though reasonable efforts will be made globally to use donations as designated, all donations become the Church's property and will be used at the Church's sole discretion to further the Church's overall mission.

WHITE—Place with tithing and other offerings in envelope. Give envelope only to a member of the bishopric or branch presidency.

CANARY—Keep for your own records.

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74. In 2019, David Nielsen, former senior portfolio manager of EPA and his brother Lars, filed a Complaint with the IRS under the IRS Whistleblower Statute, alleging that COP misused several billion dollars of tithing principal (not merely investment proceeds or interest) from EPA, which as of late 2019 had accumulated a \$128 billion dollar mostly liquid fund that IRS regulations require to be used for charitable purposes.

### **III. PARTIES**

75. Plaintiff LAURA GADDY brings this Complaint on behalf of herself individually and all those persons similarly situated who have devoted their lives to the LDS Church.

76. LAURA's allegations are based upon personal knowledge as to herself and her own acts and experiences, and as to all other matters, are based upon information and belief, including former COP employee witness statements and other investigation conducted by her attorney,

77. LAURA is a current resident of Dahlgren Naval Base, George County, Virginia.

78. COP is a Utah corporation sole, organized and operating since 1923. COP operates and advertises itself to the public as [the] "Church of Jesus Christ of Latter-day Saints."™

79. COP is a holding company that owns and/or controls various wholly owned subsidiaries and for-profit entities. COP's belief system (mainstream Mormonism), and the entire corporate structure governing what is known as the LDS Church (its subdivisions, *dbas*, and subsidiaries, including but not limited to the Church Education System ("CES"), Correlation Department ("Correlation"), Intellectual Reserve Inc. ("IRI") Deseret Management ("DMC") Bonneville International Corporation ("BIC") Ensign Peak Advisors ("EPA"), temples, local, national, and global leaders, et. al.), along with the Corporation of the Presiding Bishopric ("CPB"), an entity

subject to the direction of COP and which holds the real property of COP, constitute the Mormon Corporate Empire (“Empire”).

80. COP oversees the Empire through a hierarchy of employees and agents described below, and is headquartered in Salt Lake City, Utah. The LDS Church claims a membership of more than sixteen million worldwide. COP has two primary functions: 1) to manage the tithing and other income received through activities performed within the Empire; and 2) to ensure that all instruction and education of local members, including young missionaries as well as potential members recruited by those missionaries, are taught tightly correlated LDS doctrine and history.

81. COP’s Church Educational System (“CES”) oversees Correlation.

82. COP operates meetinghouses or chapels across the United States and many other countries in the world, including one in Gastonia, North Carolina, where LAURA attended.

83. COP’s principal place of business is 50 E. North Temple, Floor 20, Salt Lake City, Utah.

84. Ruling on class certification has yet to occur. Therefore, whenever allegations reference “Plaintiffs,” it includes all those similarly situated who could be part of the Class, if certified.

85. Occasionally Plaintiffs allege facts based upon information and belief. This occurs because most all evidence is peculiarly within the custody and control of COP, especially as to how it spends LDS members’ tithing and as to frequently altered online versions of its rhetoric.

#### **IV. JURISDICTION AND VENUE**

86. LAURA brings her Complaint under federal diversity authority, 28 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00, exclusive of costs and interest. The total claims of the proposed Class exceed \$5 million dollars.

87. The Court has subject matter jurisdiction over Cause of Action IV, as a federal question under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §1964(c).

88. The Court has pendent jurisdiction over Causes of Action I-III and V.

89. Venue is proper in this District under 28 U.S.C. § 1391(b). COP’s headquarters and principal place of business is located in Utah and a substantial portion of the acts and omissions alleged herein to have been committed occurred and/or were originated within this District.

**V. FACTUAL ALLEGATIONS—THE MORMON CORPORATE EMPIRE.**

90. The Empire is composed of distinct levels of participation: A) Paid General Authorities; B) (Unpaid) Local Leadership; C) the Educational Empire; and D) For-profit Business Entities.

**A) Paid General Authorities (GA’s)**

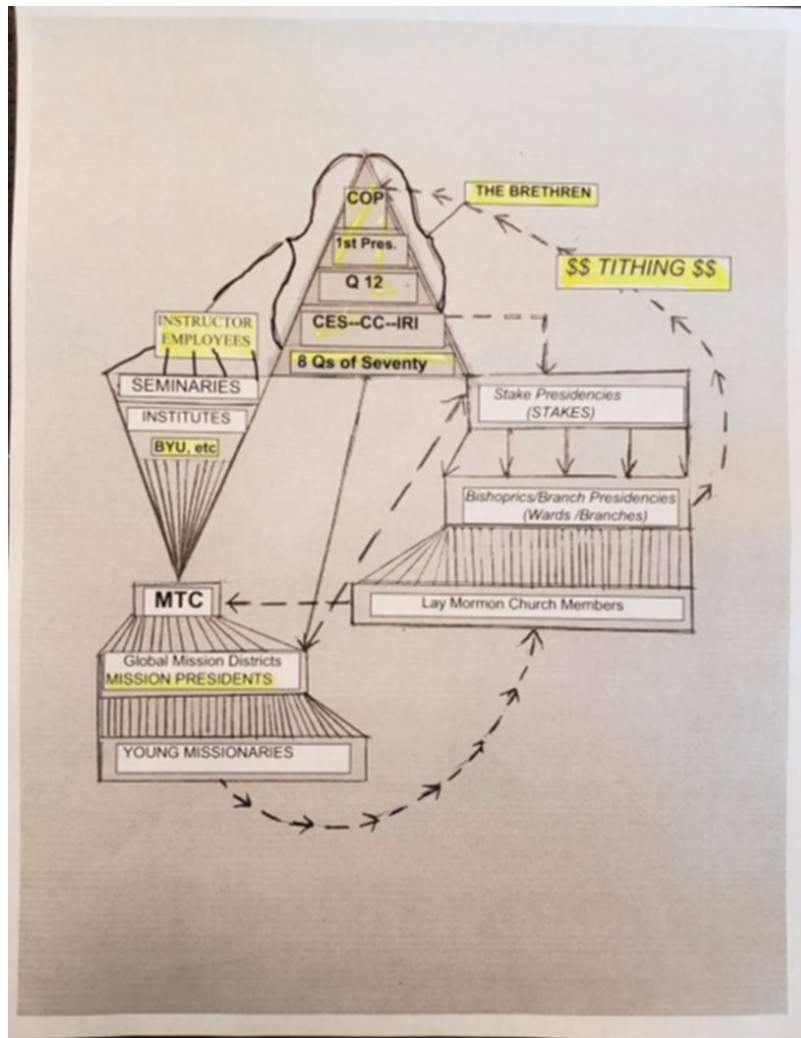
91. The Empire is led by fifteen apostles. Russell L. Nelson is the current president, sole officer, and shareholder of COP. The president selects two apostles as counselors. The three men function as the First Presidency, the governing body of the Empire. The Quorum of the Twelve Apostles (the Quorum) is the next highest-ranking governing body in the Empire, second only to the First Presidency. Together, the First Presidency and the Quorum are colloquially called “the Brethren,” and constitute the highest-ranking General Authorities (“GAs”).

92. Despite historic representations to its members that LDS clergy are unpaid (later qualified at times to limit the representation to *local* clergy) all GAs, including the Brethren and each member of the twelve quorums of the Seventy, receive a minimum six figure annual stipend and a million-dollar signing bonus, once they become a Seventy.

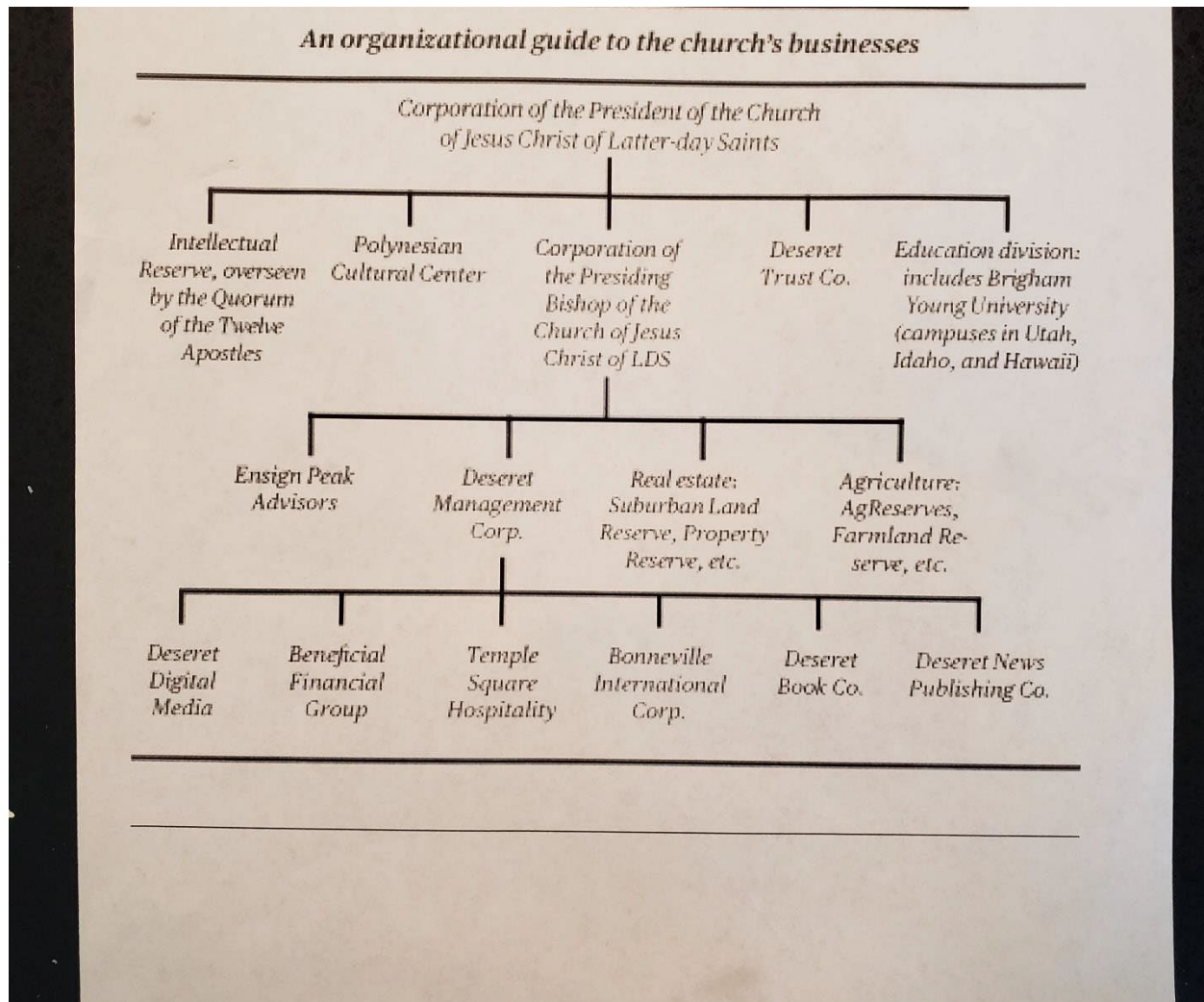
93. Upon information and belief, the Brethren have historically been involved in various businesses affiliated with the Empire, for which they receive passive income and other benefits.

94. GAs besides the Brethren include the Corporation of the Presiding Bishopric (“CPB”) which leads the Aaronic, or lesser priesthood as opposed to the Melchizedek or greater priesthood. CPB also manages and holds real estate owned by the Empire. The Seventies, of which there are currently twelve quorums are spread out over global geographic areas. The first two quorums are considered GAs; the other ten are Area Seventies; upon information and belief, dozens of men compose each quorum.

95. **“NONPROFIT” SIDE OF THE MORMON CORPORATE EMPIRE**



96. **PROFIT OR BUSINESS SIDE OF THE MORMON CORPORATE EMPIRE**



\*Beneficial Life Insurance (a division of Beneficial Financial Group) ceased writing insurance in 2009. According to the IRS whistleblower complaint, COP had used tithing in an attempt to bail the company out of financial distress.



97. **2019 Photo of Defendant's Corporate Church Leaders, *aka*, the General Authorities**



98. The Council on the Disposition of Tithes, composed of the First Presidency, the Quorum and the Presiding Bishopric, decides annually in December how to distribute tithing, including putting some aside for savings.

B. Local Leadership

99. The Empire is organized at the local level by stakes, or districts, which in turn oversee respectively, several wards or branches; both are geographic units which are similar to a parish. A branch is a quantitatively smaller version of a ward within the mission district boundaries. A district is a numerically smaller stake, generally found in missions. All stake leaders are called to serve by GAs. Stake officers call bishops/branch presidents to serve in the wards/branches.

100. Each stake is a separate registered corporation sole under the North American Industry Classification System (NAICS). Historically, each stake had been considered a religious organization, while COP is listed as “other.” The bishopric or branch presidency (which is composed of a bishop or branch president and his two counselors) is the leader of the ward and is supported by a clerk and an executive secretary who respectively attend to the ward’s financial and administrative concerns. Primary among those duties is the collection of tithes.

101. Per COP directive, local unpaid leaders are subject to the direction of COP’s paid employee-leaders. COP provides correlated instructional materials and requires that the local leaders/teachers instruct members over whom they preside, teach solely from the contents of correlated manuals, “no outside sources” to be used. They also ensure that tithing and other money is collected from LDS members and remitted to COP. Local unpaid leaders cultivate commitments to free service by LDS members, whether at weekly meetings or as missionaries.

102. In addition to unpaid local leaders, mission presidents head the mission districts by supervising unpaid missionaries around the world. Mission presidents receive a generous annual living stipend and other benefits for their family. They are called to serve by GAs.

103. At the age of twelve, all LDS males are eligible to become members of the priesthood. No LDS females of any age are ordained to the priesthood but serve under its direction.

104. The bishop and administrators, as agents but not employees of the COP, send the total amount of tithing collected to the COP, who returns only a tiny portion of what is collected to each local ward for its support and for local member needs. After Church operating expenses are paid, upon information and belief, excess tithing proceeds are placed in EPA or a similar type fund and are used to fund COP commercial projects.

105. In or about 2016, COP created thirteen LLC entities in the names of various COP employees. Combined, the thirteen companies owned stock valued at \$32,769,914,000 as of 2017. Each of the thirteen companies have domains hosted by the LDS Church servers, which also hosted LDS.org and Mormon.org. "All of them were registered on July 21, 2016." <sup>26</sup>

C) The Mormon Church Educational System-- CES and Correlation

106. The Mormon Church Educational System (CES) includes several institutions which provide religious and secular education for both LDS and unaffiliated students in elementary, secondary, and post-secondary institutions such as BYU campuses and the LDS Business College, as well as adult education and online programs. All religious instruction is carefully

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<sup>26</sup>

[https://mormonleaks.io/wiki/index.php?title=Investment Portfolios Connected to the Mormon Church](https://mormonleaks.io/wiki/index.php?title=Investment_Portfolios_Connected_to_the_Mormon_Church)



manipulated by limiting teaching materials, including Church history, to that which is Correlation-approved. A uniform system of censorship is administered by the CES Board of Directors. The Board contains the Brethren, a Commissioner of Education, and administrators.

107. Under the direction of the CES Board, Correlation compiles the content of all COP's official publications, including but not limited to what is taught at the local levels (stakes, wards, and branches), as well as the content of all missionary manuals and materials used to instruct the missionaries and in turn, used by them to recruit converts. In order to facilitate this function, CES, through Correlation, ensures that only correlated historical facts are taught by all professional and local church leaders at all LDS institutions, schools, and conferences, including Sunday School, Relief Society (women's organization), Aaronic and Melchizedek Priesthood (men's organizations), Young Men, Young Women (teen organizations for each gender) and Primary (children's organization), and speeches at General Conference (§111, *below*).

108. In 1961 Defendant created a Correlation Committee or Department ("Correlation"). COP claims that first among Correlation's purposes is to ensure "purity of doctrine." Correlation compiles, edits, and promulgates all information, not merely doctrine, but also historical religious facts material to the origin of the Church and its scriptures. Over the last half century or more, correlated materials were provided to unpaid teachers and administrators in charge of local wards or branches, as well as COP corporate leaders and paid employees. Under threat of job loss and/or excommunication, paid Correlation and/or Church Educational System (CES) employees and local leaders were required to teach only correlated materials to LDS members and potential converts. Correlation also created missionary training materials used to teach young missionaries, who in turn, used the correlated material to teach potential converts.

109. For more than fifty years, Correlation has been the vehicle used to deliver COP's intentionally misrepresented facts material to Mormonism's foundational history. The story built around those facts is the traditional historical narrative. The Empire would not have grown as it has without worldwide promulgation of the correlated traditional historical narrative that excluded reference to the stones, artifacts, original manuscripts, documents, and other information concealed by COP.

i. Missionaries

110. Mormon/LDS missionaries are typically young men and women who are recruited directly from high school and are indoctrinated for two months by COP employees at a missionary training center ("MTC"). After completing the MTC training, they are sent for a period of 18-24 months to a particular mission. Mission districts are located in most countries in the world. There, the young missionaries recruit others to join the Church. Like local LDS leaders, missionaries are not paid. Additionally, and typically, either the missionary and/or their family must provide the missionary's support for the duration of their mission. As of late 2012, the age to serve an LDS mission was lowered from 19 to 18 for men and 21 to 19 for women.

ii General Conference

111. Twice a year in April and October, a world General Conference ("Conference") is held at Temple Square in Salt Lake City (held today in the Conference Center adjacent to Temple Square), where the Brethren and various GAs speak. General Conference sessions are broadcast live and either attended, watched via satellite, or more recently streamed live on the internet, by most all LDS worldwide. Sessions last several hours on each day of the chosen weekend.

112. At various times throughout the last half century and longer, the GAs have made statements which have become an oft-repeated precept among LDS followers to the effect that neither the prophet nor the Brethren, GAs, nor any of the LDS leaders will ever lead the members astray. This promise is initially instilled in young children's minds through song and continues to be emphasized throughout LDS members' lives. Plaintiffs sang the song that LAURA did, "Follow the Prophet," (See ¶267 below.). This promise has been made by prominent leaders since the days of Mormon president, Brigham Young, and was repeated in Conference up through at least 2014.

113. Additionally, GAs have reinforced and adopted as their own, all the writings of Smith. Specifically, they have represented both directly and by lack of disclaimer in canonized scripture, as in Smith's translation of the *Book of Abraham* that his claims are "without error."

114. LDS followers are encouraged to rely on the counsel of the Brethren, GAs, and local leaders. Before they became GAs, most COP leaders were businessmen or professionals in the areas as law, business, organizational behavior, and medicine. Most all have no formal theological training other than LDS religion classes at LDS affiliated post-secondary institutions.

#### D) Profit-Making Business Entities

115. i. Deseret Management Corporation ("DMC")

116. Deseret Management Corporation is a private asset management holding company of for-profit businesses owned by COP and an integral part of the Empire. DMC's Board of Directors includes the First Presidency, and upon information and belief, three rotating members of the Quorum, and the Corporation of the Presiding Bishopric of the ("CPB").

117. Bonneville International Corporation (“BIC”) is a media broadcasting corporation and wholly owned subsidiary of the COP through its for-profit subsidiary, DMC. It began as a radio and TV network. It now owns over a dozen stations in major markets and an NBC affiliate television station in its home market; it also manages additional radio stations. In 1980 BIC formed Bonneville Communications Corporation, primarily to broadcast General Conference.

118. Deseret Book (“DB”) is a for-profit Utah corporation and wholly owned subsidiary of DMC. It sells its publications through catalogs, e-mail, and the DeseretBook.com website. All publications sold are COP-approved through Correlation.

119. Deseret News Publishing (“DNP”) is a 1931 for-profit Utah corporation that publishes the *Deseret News*, one of two major Utah-based newspapers circulating in Salt Lake City, Utah.

120. Deseret Digital Media (DDM) develops and manages the many websites owned by COP.

121. ii Intellectual Reserve, Inc. (“IRI”)

122. Intellectual Reserve, Inc., as both a corporate subsidiary and a *dba* of COP, is subject to the oversight of Correlation. IRI owns COP’s copyrights and trademarks. Since its incorporation in 1997, it is often listed as publisher of correlated educational material.

123. iii Ensign Peak Advisors (“EPA” or “EP”)

124. EPA is an asset and investment management firm created in 1997 which, upon information and belief, has accumulated profits from investing tithing, including tithing principal, to over \$128+ billion in a mostly liquid fund used to finance COP for-profit businesses, including Salt Lake’s City Creek shopping Mall. It was also used to bail-out Beneficial Life Insurance Company, another for-profit COP affiliate, which as of 2009 has ceased to write insurance policies.

**VI. FACT ALLEGATIONS APPLICABLE TO ALL POTENTIAL CLASS MEMBERS**

125. LAURA GADDY brings this Class Action Complaint against COP to obtain damages for herself and similarly situated persons injured by COP’s “scheme or artifice to defraud” in promulgating an historical narrative that contains representations critical to the foundation, mission, purpose, and functional role of the LDS Church, which narrative the Brethren, those in charge of Correlation, do not sincerely believe.<sup>27</sup>

126. Members of the current LDS First Presidency have all held top leadership positions in the Church since at least the mid-1980s and thus have spent decades directing Correlation. Russell L. Nelson and Dallin H. Oaks served as members of the Quorum of the Twelve Apostles. Henry B. Eyring initially worked as a CPB counselor, and later worked as part of the Quorum of the Twelve. Eyring has also spent much of his time as LDS Commissioner of Education for a total of twenty-five years, in three different time periods spanning from April 1985 to January 2005. He was also president of Defendant-owned Ricks College Rexburg, Idaho, from 1971 to 1977.

127. The scheme also involves the historic concealment of stones, artifacts, documents, original manuscripts, and information from its members, despite promises that LDS leaders would never lead them astray.

128. Additionally, and in the alternative, the case is based on COP representations that tithing is used for church [reasonably interpreted as religious] purposes, when tithing principal has been used for commercial purposes.

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<sup>27</sup> Throughout law and motion, COP has argued that the misrepresentations at issue are religious beliefs or doctrine. Plaintiff has argued that they are historic facts, though in a religious context. Whether considered fact or doctrine, Plaintiff alleges that at all relevant times, COP leaders did not believe the representations at issue which they approved and promulgated via Correlation.

129. These misrepresentations and material omissions about Mormon history and the source of Mormon/LDS scripture, and/or misrepresentations regarding the use of tithing, constitute a scheme to defraud perpetrated by COP for generations upon unwitting lay LDS members, as well as potential converts, in particular those who whether due to their youth or potential convert status, had yet to fully commit to the Church.

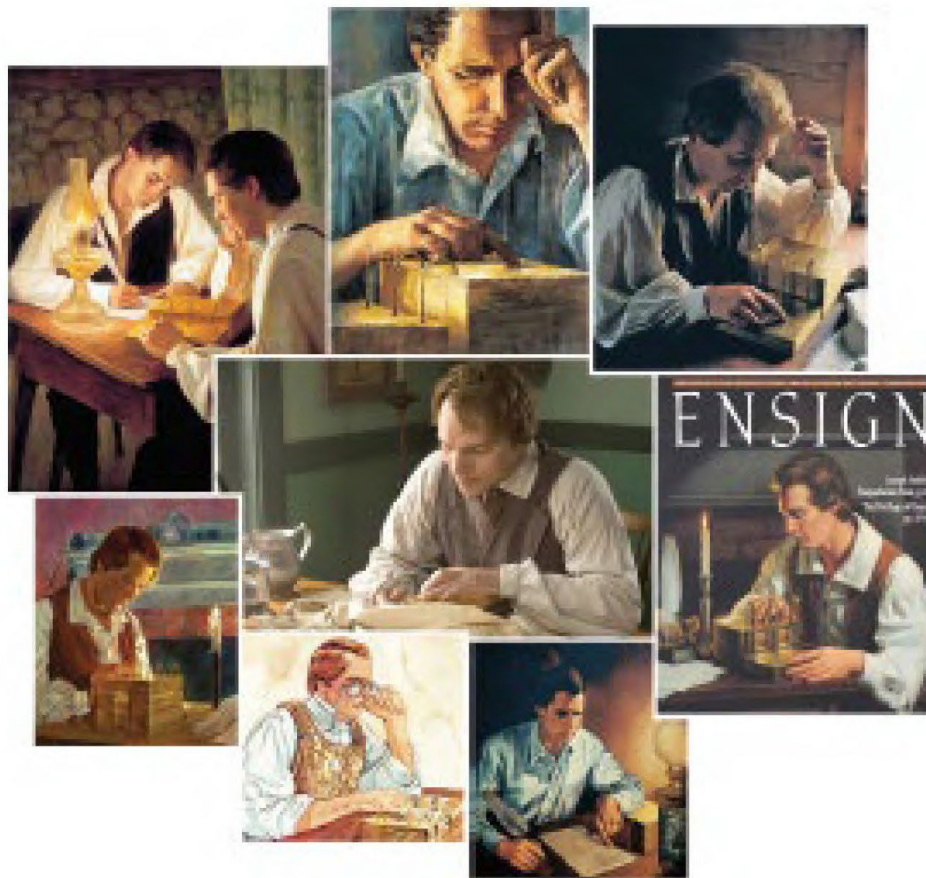
130. Over the past approximately fifty years, representations of Smith translating directly from gold plates have been used in hundreds of publications and displayed in thousands of COP-owned edifices and in individual stake and ward/branch buildings at COP's direction. During this period, and up to the present day, COP has never commissioned or used artwork depicting Smith creating the *Book of Mormon* manuscript while peering at the brown stone in a hat—the same stone he admittedly used when treasure hunting, for which he was convicted in 1826.

131. In 2015, BYU assistant history professor and artist Arthur Sweat documented all of the paintings of the translation of the *Book of Mormon* that have ever been published in the Church's *Ensign* magazine since its inception in 1971 through March 2014. Fifty-five times over that forty-three-year period, seventeen different images were used. Del Parson's *Joseph Smith Translating the Book of Mormon* (also printed in the *Gospel Art Kit* and *Preach My Gospel*), was used fourteen times since January of 1997. Sweat notes that: "All uses are inconsistent with documented Church history of the translation process." In *each* of the seventeen *Ensign* images, Joseph Smith is shown looking into *open* plates (not closed or wrapped or absent plates). In eleven of the images Joseph Smith has his finger on the open plates, as though he is translating individual characters through intellectual interpretive effort and not through revelatory means through the Urim and Thummim. Only one painting in the forty-three years depicts Smith using



a Urim and Thummim; this image was used only twice (once in November of 1988 and once in February of 1989). None of the images ever printed in the history of the *Ensign* (or recent Church videos, such as *Joseph Smith, Prophet of the Restoration*) depict the translation process of the Book of Mormon as having taken place by placing a seer stone or interpreters in a hat.”<sup>28</sup>

132. **Montage of Representative Examples COP Commissioned Artwork Depicting Smith Translating Directly from Gold Plates used from 1971-to Present**



<sup>28</sup> Anthony Sweat, "The Role of Art in Teaching Latter-day Saint History and Doctrine," *Religious Educator* 16, no. 3 (October 2015): pp. 40–57.

133. However, from the time of settlement in Utah and the Mormon corridor (southern California, Arizona, Idaho, and Nevada), the Brethren have had custody and control of the opaque brown banded iron jasper stone which Defendant now admits Smith used to create the *Book of Mormon*, in contrast to its previous representation where Smith translates directly from gold plates or the two times it depicts the process with Smith wearing spectacles containing transparent stones set in a breastplate, yet still looking at the open plates. The stone was donated by Brigham Young's wife, Zina D. H. Young, to the Church sometime between Brigham's death in 1877 and Zina's death in 1901. For all relevant time periods COP's agents denied that it had the stone in its possession, or at the very least, failed to disclose that fact.<sup>29</sup>

134. Then, on Aug. 4, 2015, published a photograph of the stone, yet thereafter still did not mention the stone in General Conference or in Sunday School or weekly LDS Church meetings.



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<sup>29</sup> For over a century COP has also had custody and control of Smith's white seer stone, which he found in 1819, and used in attempts to find buried treasure. Smith also used this stone to assist in his *Book of Abraham* translation.

135. Upon information and belief, since the 19<sup>th</sup> Century, no Mormon or LDS president has used a stone in his role as "prophet, seer, and revelator."

136. Years after the *Book of Mormon* was published, Smith appropriated the Biblical term Urim and Thummim (Hebrew: light and perfection) to give authenticity to the book. In correlated LDS history, the Urim and Thummim has always been described as spectacles attached to a breast plate, where the spectacles are the Urim and Thummim. Below is COP commissioned art depicting Smith translating via the spectacles attached to the breastplate.

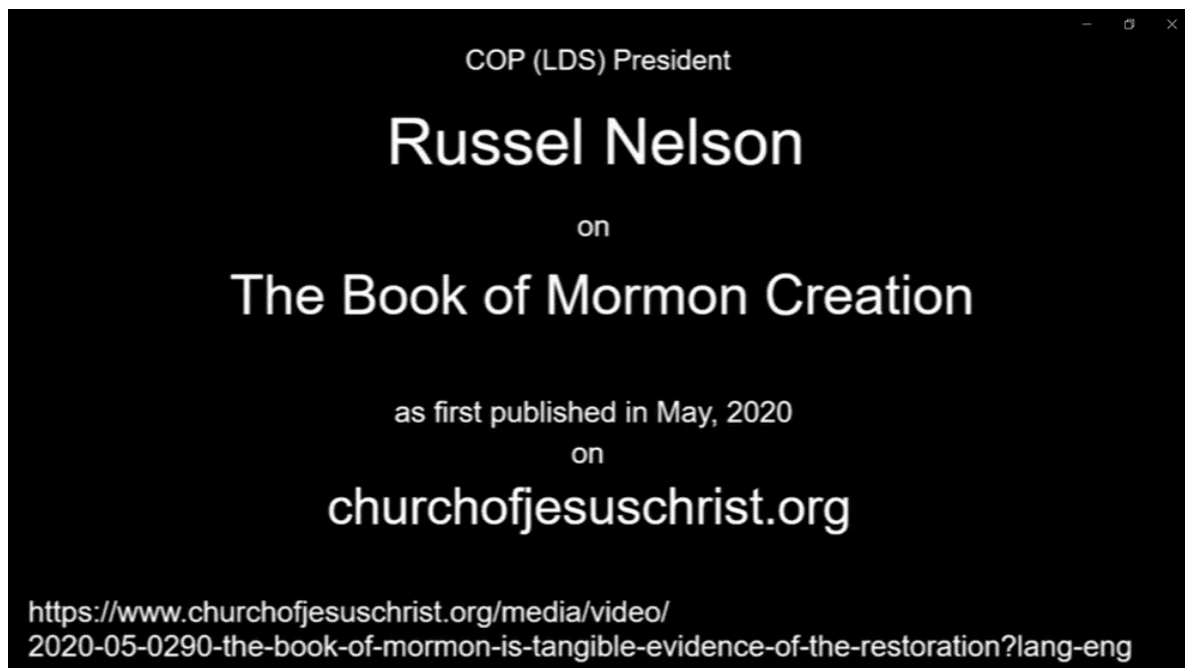


*Unknown artist, likely commissioned circa 1988 by COP. Smith using spectacles attached to a breastplate to translate the Book of Mormon from gold plates.*

137. Sometime in May 2020, LDS President Russel L. Nelson reenacted the process used by Smith in creating the *Book of Mormon*. Nelson describes the process as what is known. He admits that this process involved golden plates, "usually covered," on a table. In the video he conflates the use of a Urim and Thummim with a seer stone, but in Mormon history they are two different things. None of the historical accounts mention a translation with open gold plates in

Smith's view. "[s]ome accounts suggest that the plates were sometimes kept in a nearby box under the bed or even hidden in the Whitmers' barn during translation."<sup>30</sup>

138. While Smith's Urim and Thummim has historically been described as spectacles attached to a breast plate, the seer stone is an opaque brown stone that Smith found in a neighbor's well and had previously used to attempt to locate buried treasure. President Nelson demonstrates the process as one where Smith peers into a hat which contained the seer stone, while the plates were on the table "usually covered." President Nelson's demonstration is the first ever by COP to depict Smith's known use of the brown stone buried in a hat to create the *Book of Mormon*.<sup>31</sup>



<sup>30</sup> John Hilton III, Author, Editor, et.al. *The Coming Forth of the Book of Mormon: The 44th Annual BYU Sidney B. Sperry Symposium*. Deseret Book Co. (January 1, 2015).

<sup>31</sup> "All About Mormons," is the 12th episode of the seventh season of the American animated television series *South Park*, and the 108th overall episode of the series. It was originally broadcast on Comedy Central in the United States on November 19, 2003. It depicts Smith's process creating the *Book of Mormon* with both gold plates and a seer stone placed in a hat-- Smith looking inside. However, there is no claim by either COP or any eyewitness to the process, including Smith, that he placed the plates and seer stone on top of the plates, in a hat.











139. The *Book of Mormon* essay admits that:

The other instrument, which Joseph Smith discovered in the ground years before he retrieved the gold plates, was a small oval stone, or “seer stone.” As a young man during the 1820s, Joseph Smith, like others in his day, used a seer stone to look for lost objects and buried treasure. As Joseph grew to understand his prophetic calling, he learned that he could use this stone for the higher purpose of translating scripture...Most of the accounts [all eyewitness accounts] speak of Joseph’s use of the interpreters or the seer stone.”<sup>32</sup> (Large photo of stone, *above* at ¶134.)



<sup>32</sup> “Book of Mormon Translation,” Gospel Topics Essays (2016). (Last viewed July 28, 2019.)  
<https://www.churchofjesuschrist.org/study/history/topics/book-of-mormon-translation?lang=eng>

140. Professor Sweat created artwork circa 2014 that has yet to appear in any Church correlated publications except for one published in 2015 *Religious Educator* to which CES employees subscribe and another published in 2017 in BYU's *Daily Universe* newspaper.<sup>33</sup>



141. At all relevant times, COP has concealed eyewitness accounts of Smith's creation of the *Book of Mormon* that tell of Smith using the seer stone, not a breast plate with spectacles. No accounts tell of him translating directly from gold plates as depicted in all the artwork from 1971 through the present, with the exception of the spectacles affixed to a breastplate depiction. And even that shows Smith looking through translucent spectacles at the open gold plates to translate.

142. Besides the brown and white stones, primary sourced journals and other documents brought by the pioneers across the plains to Deseret Territory that give first-hand accounts of important Mormon history have been secreted in the vault or Church archives since that time.

143. In 1970, COP-controlled archives were opened for the first time and in 1972, Leonard J. Arrington was appointed Church historian. Arrington wanted to write an accurate account of

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<sup>33</sup> See FN 14 re: Sweat article, in *Religious Educator*, *supra.*, & Kelsey Johnson, *BYU Daily Universe*, "Education Week: Artwork influences how members learn the gospel," Aug. 21, 2017

Church history. A comprehensive history of the Church was expected to have been published in 1980 under Mr. Arrington, for which sixteen scholars had been hired to write various parts. In 1981 Arrington began the task. However, his desire was thwarted, and writing projects quashed by the Brethren. Shortly thereafter, Arrington was removed as historian and a severely restricted access rule for scholars, including temple-worthy LDS Church scholars, was instituted.

144. The comprehensive history was delayed until 1992. After publication of the *Encyclopedia of Mormonism*, esteemed University of Utah Philosophy Professor Sterling McMurrin, who served as U.S. Commissioner of Education under President John F. Kennedy, wrote: “[T] he work is a carefully sanitized partisan affair that, while having many strengths, is quite uneven in quality and, though it appears to face many difficult issues head on, clearly omits, distorts, and compromises wherever necessary to advance and protect a positive image of Mormons, Mormonism and the Church.”

145. Arrington lamented the suppression and lack of access to “real” church history by the Brethren-directed Correlation. Arrington biographers and his private journals, which he kept from 1972-1997, note how all writing had to be submitted to Correlation for their approval. He wrote that the Church was in possession of all diaries of leading Mormons yet would not allow them to be used or qualified historians to view them. He lamented the conflation of verifiable history with doctrine and missionary work. He wrote that some leaders did not want accurate history published. Listing prior LDS presidents and members of the Quorum of the Twelve, he wrote that LDS Presidents Ezra T. Benson, Thomas Monson, Gordon Hinckley, and Apostle Boyd Packer, made the ultimate decision about correlated materials and that there were subjects that the editors in the Church history department were not allowed to broach.

146. From the 1960s a cohort of Mormon intellectuals searched for and discussed Mormon history. Independent publications such as *Dialogue* and *Sunstone* were written by liberal Mormons and denigrated by the Brethren, who admonished faithful LDS members not to attend symposia where such things were discussed. LDS followers were taught that: “When the prophet speaks, the debate is over,” and that “It’s wrong to criticize leaders of the Church, even if the criticism is true.” They were directed to read only from Church-approved sources, which did not include independently published journals. Meanwhile, COP continued to promise the Brethren would never lead members astray and to teach that Smith’s revelations were “without error.”

147. Since at least 1981, the three-fold mission of the Church as broadcast in Conference talks and written rhetoric has been to: proclaim the gospel, perfect the Saints, and redeem the dead. In or about 2009 a fourth mission was added: to care for the poor and needy. These are alternately labeled the purposes of the Church in the Official LDS Handbook published in 2010, section 2.2.

148. With the publication and rise of websites challenging its correlated history, LDS membership increase began to slow. In 2013, a non-commissioned survey was presented to the Brethren which compiled answers from approximately 3,000 Mormons who had resigned from the Church or had become inactive. The *LDS Personal Faith Crisis* report (“*LDSPFCR*”) consensus response was that the Church had lied to them about its history. The report was not released to the public by its authors until about 2018, and then it was difficult to find. (Ex. No. 1)

149. Sometime after Defendant was presented with the *LDSPFCR* it published the first essay in a series of essays on its website: LDS.org., that admitted many of its prior and ongoing misrepresentations about Church history. The essays were not easily accessible, were not announced in biannual General Conference or in Sunday ward meetings. Publication of a new

essay occurred every several months up through January of 2019 (and is believed to be ongoing) when the Church admitted it had no opinion on the geographic location of any of the places in the *Book of Mormon*.

150. A letter sent to local Church leaders almost two years after the essays began to appear advised those leaders of the existence of the essays (few leaders had known of them before that), and that they had permission from the Brethren to refer to the essays if ward members had questions on historical issues, with no instruction to announce them in Sunday meetings.

151. Even later, the website finally noted that the essays had been approved by the Brethren. Prior to that time, some Mormon faithful who had stumbled upon them believed they were written by Anti-Mormons who hacked LDS.org, the prior official website of the Church.<sup>34</sup> Defendant consciously concealed the very existence of the essays. To this day, it has yet to announce them in General Conference or direct local leaders to do so in Sunday meetings.

152. Steven Snow, attorney, and official COP historian from 2012 until 2019, admitted that the internet had forced the Church to become more transparent with their history and that the essays were released slowly without fanfare [no announcement in Conference or ward meetings] in order to “inoculate” LDS members. Transcript of the audio circa 2016, is set forth below.

153. **TRANSCRIPT OF AUDIO by LDS HISTORIAN STEVEN SNOW**

**SPEAKING TO CES EMPLOYEES on unknown date re: COP’S DELIBERATE  
CONCEALMENT OF LDS GOSPEL ESSAYS**

<https://www.mormonstories.org/podcast/elder-steven-c-snow-lds-gospel-topics-essays-not-advertisex/> (viewed January 4, 2019.) Audio link to Snow’s statement is here: <https://clyp.it/gq0cdhfl#>.

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<sup>34</sup> In 2019 COP began transferring all data from its official website, [www.LDS.org](http://www.LDS.org) to a newly purchased domain, which is now its official website: [www.churchofjesuschrist.org](http://www.churchofjesuschrist.org).

Transcript of audio:

*...We are in the process of letting leaders, stake presidents and bishops know about them [the essays] so they can be a resource in the event that some of their members are having questions or challenges about those issues. "Book of Abraham" essay was just released in July, that's the most recent of the nine essays that have been published on-line. I think it'd be helpful to know how we chose to roll those out. It was a soft roll out. There wasn't an announcement saying, "You can go to this website to learn everything weird about the Mormon church you ever wanted to learn." (Laughter from the audience) But yet we had a lot of people struggling with some of these issues. We were losing [sic] young people particularly. And we felt we owed a safe place for people to go to get these answers. So, they were deliberately kind of placed in an existing database, so they wouldn't .... You know, 90% of the church probably couldn't care less, they don't worry about such things. But we do have some folks who are on-line and we felt like they needed a safe place to go to get answers if they had questions. So I don't think you are gonna [sic] see a well publicised [sic] campaign to tell you to go to these sites. But we just, you know, the people that are interested seem to kind of pass the word amongst themselves. And the only other thing is that leaders now will have access to them. And I think the long-probably the greatest long-term benefit will be: These are answers that have been vetted by the, reviewed by the Quorum of the Twelve and the First Presidency and they have signed off on these answers.*

*And now curriculum and seminaries and institute can safely weave these essays into a future curriculum to in a sense "inoculate" is a word I use quite a bit for the rising generation. So, they can learn a little bit about these things without being totally shocked when they hear them for the first time. Does that make sense? ("yeah" from someone in the audience) Yeah, OK. So, don't expect a big campaign. I think there's been a lot of interest within maybe a small percentage of church members but my view is most of the church really is not troubled, members are not troubled by these." [Emphasis Added].*

154. Many devout LDS followers are unaware of the essays' existence, let alone the issues addressed in the essays and to this day are shocked when the Church history they had been taught their entire lives, which versions many of them had taught to others in the mission field, is discovered to be radically different from what is admitted in the essays.



155. LDS members had been taught that Smith claimed two personages: God the Father and his Son, Jesus Christ, had appeared to him and told him that all other “creeds” were false.

156. Correlated materials taught that Smith translated the *Book of Mormon* manuscript directly from writing inscribed on gold plates, at times wearing spectacles attached to a breastplate.

157. LDS had also been taught that the Hebrew prophet Abraham wrote the *Book of Abraham*, canonized LDS scripture, inscribing the Egyptian papyrus with his own hand. (Preface ¶31)

158. According to Smith, figures depicted in the three facsimiles included within the *Book of Abraham* depicted Abraham interacting with Egyptian humans. The *Book of Abraham* revealed key cosmology and an explanation for a link between skin color and righteousness. The essay on the subject has recently admitted that these representations are not correct. For over 100 years, Egyptologists have labeled Smith’s translation of the papyri a fraud. (Ex. No. 2, *NYT* article.)

**VII. ALLEGATIONS OF SPECIFIC MISREPRESENTATIONS AND INTENT TO DECEIVE APPLICABLE TO LAURA AND ALL POTENTIAL CLASS MEMBERS.**

159. The following are specific examples of COP’s misrepresentations, including facts about tithing use and communications in both text and artwork representing events that the Brethren do not believe and/or misrepresentations with material omissions.

160. Upon information and belief, there are many more which have occurred since 1923 and are still occurring. For all purposes, the following tell an incomplete or misleading story and are rhetoric that COP’s leaders do not believe because they have had stones, artifacts, original manuscripts, documents, and other information in their archives from which a reasonable person would infer a narrative of LDS history radically different from that promulgated by Correlation over the past half century or more.

161. COP Concealed Documents that Suggest Smith did not Believe his Own Story:

- a. From an 1833 affidavit by Peter Ingersoll, regarding how Smith conned his family into believing that a load of white sand wrapped in his frock was the rumored Canadian gold plates. Ingersoll wrote: As "'Now,' said Jo, 'I have got the damned fools fixed, and will carry out the fun.' Notwithstanding, he told me he had no such book, and believed there never was any such book...\*"
- b. From Joseph Smith's journal, June 30, 1843, p. 288, as recorded by Willard Richards, Smith's scribe: "[ Esquire] Walker was introduced [to the congregation, which Joseph said,] as a body of people, [were] the greatest dupes that ever were or he is not as big a rouge...as he is supposed to be..."

162. 1842. Smith Claims Translation of B. of M. via Spectacles Affixed to a Breastplate.

Over a decade after the work was finished, in an *ex post facto* attempt to give his work credibility, Smith writes a letter to Chicago newspaper editor John Wentworth:

"With the records [gold plates] was found a curious instrument, which the ancients called "Urim and Thummim, "which consisted of two transparent stones set in the rim of a bow fastened to a breast plate. Through the medium of the Urim and Thummim I translated the record by the gift and power of God."

163. Upon information and belief, COP commissioned the painting below to illustrate what is described above. However, there are no eyewitness, other than what Smith ostensibly reported to Wentworth more than a decade after the process was complete, about the spectacles attached to a breastplate manner of translation. All eyewitnesses to the *Book of Mormon* translation claim Smith used a small brown stone, the one COP revealed in 2015.



164. Since the 20<sup>th</sup> Century, LDS COP has Concealed the Fact that They Possess Primary Source Documents by Eyewitnesses to the *Book of Mormon* Creation Process that Contradict the Traditional Narrative. With the exception of brief excerpts from eyewitness in two 1990s *Ensign* articles containing misleading pictures of the translation as directly from gold plates, no stone in sight, and no reference to the description of the stone as brown or opaque, conflating it with the translucent stones found in the spectacles attached to a breastplate, or “divine instrumentalities,” (see ¶202 below for details), copies, if not originals, of the following eyewitness statements and/or affidavits, have been concealed in LDS archives: multiple statements of Smith’s wife Emma Hale, multiple statements and an affidavit of Martin Harris, statements and/or affidavits of David Whitmer, Oliver Cowdery, Elizabet Whitmer Cowdery, Joseph Knight Sr., and others.

165. Various of these eyewitnesses tell that the stone used by Smith was a chocolate-colored or dark stone, about the size of a hen’s egg which fits the description of the stone revealed for the first time by Defendant in August 2015. Smith and his brother Alvin discovered the stone while employed to dig a well by their neighbor Willard Chase. Smith took possession of the stone and though Chase demanded its return, he refused. From 1822 through 1826, the year before he retrieved the gold plates, Smith used the stone in his attempts to locate buried treasure for a fee.

166. 1877-1901 Mormon Leadership Obtains Custody of Smith's Brown Seer Stone.

The brown stone used to create the *Book of Mormon* has been in Defendant's custody since after Brigham Young died in 1877, but before Zina D.H. (one of Young's wives) died in 1901.<sup>35</sup>

167. COP conceals Smith's original *Book of Abraham* and Egyptian Alphabet manuscripts.

These documents have been in Defendant's possession since Smith's death. They are important because in the left margins are Egyptian characters, lined up with an English translation. BYU scholars James Clark and Sidney Sperry convinced the assistant LDS Church historian for viewing access in 1933. In 1966 a microfilm copy was leaked to the Tanners (Christian researchers considered experts on Mormon history), who compared the original documents to the papyrus that was rediscovered in 1966. Upon information and belief, Defendant did not acknowledge or release a copy of the original document until October 29, 2018 in its *JSP*.<sup>36</sup>

168. In its *Book of Abraham* translation essay, Defendant recently admitted:

*None of the characters on the papyrus fragments mentioned Abraham's name or any of the events recorded in the book of Abraham. Mormon and non-Mormon Egyptologists agree that the characters on the fragments do not match the translation given in the book of Abraham... Scholars have identified the papyrus fragments as parts of standard funerary texts that were deposited with mummified bodies. These fragments date to between the third century B.C.E. and the first century C.E., long after Abraham lived.*<sup>37</sup>

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<sup>35</sup> This statement was made along with the photo of the "never-before-seen" brown seer stone in August of 2015 (but COP did not announce either the fact they had had custody of the stone for over 100 years or release a photograph of it in General Conference or in Sunday meetings).

<sup>36</sup> Joseph Smith Papers, Revelations and Translations, V. 4: Book of Abraham and Related Manuscripts Hardcover – October 29, 2018. See Exhibit No. 3, full manuscript, filed herewith.

<sup>37</sup> LDS Church Essay, "*Translation and Historicity of the Book of Abraham*" [*Emphasis added.*] <https://www.lds.org/topics/translation-and-historicity-of-the-book-of-abraham> (Viewed 2019)

169. 2018, COP's JSP, Releases Documentation & Commentary re: Smith's 1826 Bainbridge New York Fraud Trial. For all relevant times periods COP has denied that Smith was found guilty of criminal charges for attempting to find treasure through his peep stone. Fawn Brodie had first referenced the case in her 1945 biography of Smith, *No Man Knows my History*. Subsequently, COP denied the authenticity of any supporting documentation in a 1946 *Deseret News* article. Thereafter, COP never mentioned in its correlated materials that Smith was even charged with such a crime.

170. Twelve witnesses were subpoenaed for the trial. Judge Neeley found Smith guilty.

171. Sometime in 2018 COP's JSP online releases the docket entry where the trial judge found Smith guilty and writes: "[t]he published docket entry indicates that Neely found JS guilty." <sup>38</sup>

172. The JSP 1826 trial commentary was published only online in 2018, no corresponding hard volume is anticipated.<sup>39</sup> In it, COP agent writers analyze the statute under which Smith was charged and concede that it covers what is considered modern day fraud:

[JS's [Smith's] arrest on charges of being a disorderly person came while he was still living with Stowell. New York's disorderly persons statute, combined with an 1825 justice the peace manual, provides a general overview of how trials before justices of the peace in such cases were to proceed. The law identified ten categories of offenders, including "all persons pretending . . . to discover where lost goods may be found," the provision under which JS [Smith] was most likely prosecuted. The use of the word "pretending" in the act reflected Enlightenment-era legal assumptions that the use of seer stones was categorically deceptive and fraudulent...<sup>40</sup>

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<sup>38</sup> JSP Docket entry is Exhibit No. 4 to this complaint, filed herewith. "Appendix: Docket Entry, 20 March 1826 [People v. JS]," p. [1], *The Joseph Smith Papers*, accessed March 5, 2021, <https://www.josephsmithpapers.org/paper-summary/appendix-docket-entry-20-march-1826-people-v-js/1#full-transcript> (last viewed Feb. 11, 2021).

<sup>39</sup> <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1#full-transcript> (Last viewed Feb. 11, 2021).

<sup>40</sup> *Id.*

173. Because there is no subsequent entry of sentencing in the county records, it is hypothesized that due to Smith's young age of twenty, he was not sentenced, but "took leg bail" a practice whereby young convicts escaped the Court's jurisdiction before sentencing.

174. For all times relevant to this case, prior to 2018, COP had concealed disclosure of the "guilty" documentation; and, upon information and belief had also avoided any reference to the 1826 Bainbridge fraud trial in any and all correlated instructional and missionary manuals.

175. In 2018 JSP Announces by Releases only Some Records of Various Ohio Crimes.

For all relevant time periods, though known to it, COP concealed the existence and outcomes of other crimes for which Smith was charged during his lifetime. Then, in 2018 it announces: "In the Legal, Business, and Financial Records series, we have added documents to four Missouri legal cases against Joseph Smith (for [riot](#), [treason](#), and [arson](#)), as well as editorial introductions to the [riot case](#) and several [Ohio court cases](#)." However, with the exception of the riot charge, links to the other types of crimes and the "Ohio court cases," are dead.<sup>41</sup>

176. 1937-2020 Hill Cumorah Pageant Annual Musical Production, Upstate New York. COP produces a highly publicized, theatrical pageant set in Hill Cumorah near Joseph Smith's home in upstate New York. It recruits LDS members throughout the United States at the ward and stake levels. Young LDS followers throughout the U.S. travel to participate. The pageant depicts Smith's discovery of the gold plates which had been buried by the last of the Nephite prophets, Mormon, at the Hill Cumorah. It dramatizes the events in the *Book of Mormon*, including the wars between the Nephite and Lamanite tribes at or near the Hill. Performed every summer in

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<sup>41</sup> <https://www.josephsmithpapers.org/articles/2018-news?highlight=1826%20trial> As of March 4, 2021, with the exception of the riot charge, the above links to the Ohio cases are dead.

July through 2019 or 2020, the pageant featured hundreds of LDS cast members, ornate costumes, and special effects. It attracted approximately 35,000 persons annually.

177. For all relevant times periods prior to 2019, COP conceals that fact that the Brethren do not believe that the Hill Cumorah is located in upstate New York. But in 2019 COP admits that “[t]he Church has no opinion on the location of any of the places in the *Book of Mormon* [which would include the Hill Cumorah].”<sup>42</sup> Prior to that time, there was no disclaimer at the pageant or in other correlated materials and scripture that questioned the location of the Hill.<sup>43</sup> Effective 2020, the Cumorah pageant ceased production.

178. New York Hill Cumorah Photo Shown to LDS Missionaries and Prospective Converts.



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The Hill Cumorah is about three miles southeast of the Smith farm in Palmyra, New York. In Joseph’s time the north end was covered with grass, the south with scattered timber and forests. The plates were buried on the westside, not far from the top.

Photograph: by G.E. Anderson, August 1907

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<sup>42</sup> <https://www.churchofjesuschrist.org/study/manual/gospel-topics/book-of-mormon-geography?lang=eng> (Viewed March 3, 2019)

<sup>43</sup> [https://www.churchofjesuschrist.org/study/manual/gospel-topics/book-of-mormon-geography?lang=eng&fbclid=IwAR3wnZwTbI48B7dvV\\_YDy7\\_n5-FvXJxfBFpOdYjJawLr4OU5pTLzinSBmI](https://www.churchofjesuschrist.org/study/manual/gospel-topics/book-of-mormon-geography?lang=eng&fbclid=IwAR3wnZwTbI48B7dvV_YDy7_n5-FvXJxfBFpOdYjJawLr4OU5pTLzinSBmI) (Last Viewed Aril 10, 2020)



179. For an unknown period, but at least from 1999-2008, the above photo found on page 7 of the LDS missionary tracting pamphlet, © 1999 IRI, provided by COP to its missionaries, was used by LAURA in Germany, and upon information and belief, by all missionaries who proselytized. They explained it was the hill where Smith found the gold plates and where the *Book of Mormon* Lamanites waged an historic battle leading to the extinction of the Nephites.

180. 1956. LDS President Joseph Fielding Smith Openly Denies the Seer Stone Translation.

While concealing the brown stone in his office safe, LDS president, Joseph Fielding Smith declares: "...there is no authentic statement in the history of the Church which states that the use of such a stone was made in that [referring to the *Book of Mormon*] translation. The information is all hearsay, and personally, I do not believe that this stone was used for this purpose."

However, upon information and belief, at the time this statement was made, COP had acquired multiple authentic eyewitness accounts of the process that referenced the brown stone, and the stone was located and secured in Joseph Fielding Smith's private office vault.

181. 1956. Apostle Bruce R. McConkie's Popular Book Denies Seer Stone use in Translation.

In 1956, LDS Apostle Bruce R. McConkie, compiler, publishes his *Doctrines of Salvation: Sermons and Writings of Joseph Fielding Smith, 3 vols.* It is published by COP and is sold for decades at Desert Book Store. In Volume 3:pps 225–26 of that First Edition, McConkie writes, quoting Fielding Smith, in pertinent part:

SEER STONE NOT USED IN BOOK OF MORMON TRANSLATION

"...While the statement has been made by some writers that the Prophet Joseph Smith used a seer sone part of the time in his translating of the records, and information points to the fact that he did have in his possession such a stone, et there is no authentic statement in the history of the Church which states that the use of such a stone was used in that translation. The information is all hearsay and personally, I do not believe that this stone was used for this purpose...."

182. 1966 to the Present. Misrepresentation that the Church has no Paid Clergy.

In 1966 Apostle Boyd K. Packer said: : ““In [t]he Church of Jesus Christ of Latter-day Saints there is no professional clergy, as is common in the other churches. *All* members of the Church are subject to call to render service and carry on the activities of the Church.” His words were in a conference report, later published and remain on the official church website today.<sup>44</sup> However, LDS general authorities are paid six figures annually. This fact was made public in several 2017 documents leaked by Mormonleaks, showing apostles receive a six-figure annual stipend, including pensions when they retire as emeriti.<sup>45</sup> Upon request, a GA can become emeritus. Emeritus status is not necessarily based on age—current LDS president, Russell L. Nelson, is 96 years old.

183. Additionally, similar dialogue appears in an online, if not book form manual for LDS women viewable today: ““Did they also tell you that we have no professional clergy? All of us contribute our time, our talents, our means, and travel—all to help the work. And we’re not paid for it in money.”“ ‘They didn’t tell us any of that,’ said the father.”<sup>46</sup>

184. Upon information and belief, LDS corporate leaders, including members of the twelve quorums of Seventy, each receive million dollar signing bonuses upon accepting their positions.

185. For half a century, Temple Square Visitors Center Displays Plates but no Stone. By at least 1964, the Salt Lake Visitors Center(s)—there were two, were created and furnished

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<sup>44</sup> <https://www.churchofjesuschrist.org/study/manual/the-latter-day-saint-woman-basic-manual-for-women-part-b/personal-and-family-development/lesson-28-serving-in-the-church?lang=eng&query=%22lay%20clergy%22> (last viewed Feb. 6, 2021)

<sup>45</sup> The actual payroll documents are not included here due to individual privacy concerns.

<sup>46</sup> <https://www.churchofjesuschrist.org/study/manual/duties-and-blessings-of-the-priesthood-basic-manual-for-priesthood-holders-part-b/gospel-principles-and-doctrines/lesson-30-tithes-and-offerings?lang=eng&query=%22lay+clergy%22> (last viewed Feb. 6, 2021)

with most of the same artifacts and paintings it used until December 29, 2019, when it was closed for refurbishing. During that time, upon information and belief, a replica of the gold plates was prominently displayed in the Visitors Center, but no stone was displayed.<sup>47</sup>



*Visitors Center Replica of Gold Plates, removed in December 2019  
Prior to Temple Square Refurbishing.*

186. The brown seer stone was never displayed from 1964 onward. Upon information and belief, it was first displayed at the Church History Museum building located adjacent to Temple Square in 2016 or 2017. Salt Lake City Temple Square, which includes the two visitors centers, has historically attracted 3-5 million visitors a year.

187. Between 1930-1965 Fielding Smith Conceals J. Smith's Original First Vision Account.

While serving as official Church historian, Apostle and later LDS president, Joseph Fielding Smith, removes founder Joseph Smith's original account of his 1820 First Vision from Smith's ledger book kept in Fielding Smith's office vault. It was taped back in later but remained

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<sup>47</sup> What is partially shown in the upper left-hand corner of the photo above, was for all relevant times, one of several paintings depicting Smith translating directly from the gold plates. The most recent painting hung in that position was that by Del Parson, 1996.

undisclosed in correlated rhetoric for decades. In the April 1996 *Ensign*, COP references the 1832 original account by Smith. However, with this single exception, all other COP correlated rhetoric since 1961, including all text in instructional and missionary manuals and thousands of pieces of replicated artwork displayed globally in LDS buildings, describe and/or depict the misleading version of the First Vision, the version with two personages.

188. 1981-1982 LDS President Hinckley Misrepresents Tithing Use at General Conference.

“The basic purpose for tithing is to provide the Church with the means needed to carry on His [Christ’s] work”<sup>48</sup>

189. 1970s-Present Day. COP Commissions Misleading Gold Plates Translation Artwork.

Paintings of Smith translating directly from gold plates were commissioned during this time period by COP, who instructed artists to depict Smith’s *Book of Mormon* creation as one where he translated directly from gold plates ¶132. COP also commissioned a single painting of Smith with the Urim and Thummim depicted as spectacles with a breastplate attached. ¶¶136 & 163. During this time, upon information and belief, Defendant received at least one suggestion that the artwork should depict the brown seer stone used to translate. That suggestion was rejected.<sup>49</sup>

190. 1978. Apostle Denies that the Church has Custody of the Seer Stone. In a conversation with Wesley P. Walters, pastor of the United Presbyterian Church in Marissa, Illinois, and Chris Vlachos in fall 1978, Presiding Bishop and Apostle LeGrand Richards denies that the Church has

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<sup>48</sup> <https://www.churchofjesuschrist.org/study/general-conference/1982/04/tithing-an-opportunity-to-prove-our-faithfulness?lang=eng> (Last viewed January 31, 2021)

<sup>49</sup> Upon information and belief, most if not all of the artists COP commissioned were unaware of any information that would have led them to believe that Smith used a brown stone in a hat to create the *Book of Mormon*. They too had been subjected to COP’s misleading propaganda and concealment of stones, artifacts, original manuscripts, documents, and information material to Mormon/LDS history.

custody of Smith's seer stone.<sup>50</sup> This conversation was communicated among LDS members and has been available online for a number of years.

WALTERS: Well, I thought somebody said that Joseph Fielding had had Joseph Smith's seer stone.

RICHARDS: No. We don't have that.

WALTERS: You don't have that?

RICHARDS: No.

WALTERS: Oh.

RICHARDS: We have got some of the early writings of the Prophet Joseph and things of that kind, and testimony of when Joseph Smith performed a plural marriage for them, but – things of that kind in the Historian's office. But we have [unintelligible] church.

VLACHOS: Is the seer stone in the historical department?

RICHARDS: We don't have a seer stone. That went back with the plates when [unintelligible]

WALTERS: Oh! Okay, I hadn't heard that. I see. I thought that somebody said that it was still out there somewhere.

VLACHOS: Do you know what it looked like?

RICHARDS: What?

VLACHOS: Do you know what the stone looked like?

RICHARDS: No. I've never seen it. And I don't think there is any living man who has seen it.

191. Mid 1970s-1990s. Misleading First Vision Artwork Commissioned by COP

Although most of the artwork is undated, upon information and belief, including information from a former COP employee, paintings of Smith's First Vision where he sees two personages (in contradiction to Smith's original handwritten account of that vision, which was concealed) were commissioned by COP who instructed artists to depict Smith seeing two personages as opposed to one, described by Smith as "the Lord," in his 1832 (earliest) handwritten account. Subsequent versions were not in Smith's hand and are secondary sources and/or the words of his scribes.

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<sup>50</sup> <https://thoughtsonthingsandstuff.com/the-legrand-richards-interview/> (Jan 22, 2021)



The First Vision, COP Commissioned Artwork Used Currently  
Similar Portrayals Have Been Used For Decades

<https://www.churchofjesuschrist.org/media/image/the-first-vision-fe5db8d?lang=eng>

Painting used in various Primary Manuals, Joseph Smith—History 1:14–20, and in the  
LDS *Missionary Preparation Student Manual* (Religion 130) © 2005, IRI p. 73.

(Last viewed Feb. 22, 2021)

Painting by Del Parson, unknown date.

192. 1981. LDS Apostle Urges CES Teachers to Deceive LDS Students. In a 1981 speech to CES teachers, Apostle Boyd K Packer said: “Some things that are true are not very useful.” And “We are required to tell the truth, but we are not required to tell the whole truth.”<sup>51</sup>

193. Circa 1984. Biography of Smith’s wife Emma Hale, by LDS Female Historians Banned. *Mormon Enigma: Emma Hale Smith*, originally published in 1984, exposes Emma Hale’s

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<sup>51</sup> Boyd K. Packer, “The Mantle is Far, Far Greater Than the Intellect,” 1981, *BYU Studies*, Vol. 21, No. 3, pp. 259-271).

tumultuous marriage with Smith, the horrors of Smith's polygamy practice and accounts for Smith's first wife's relatively peaceful existence after leaving Mormonism. Banned by Deseret Book, LDS Apostle Dallin Oaks promises that he will do all in his power to suppress its circulation to LDS Church followers.

194. 1985 LDS Apostle Maxwell Writes that Smith's Teachings are without Error. COP Recently Admits *Book of Abraham* Translation Errors. Book Remains for Sale in COP Store.

Apostle Neal A. Maxwell, writes: "There is no error in the revelations Joseph taught!" *Sermons Not Spoken*, Salt Lake City: Bookcraft (June 1, 1985, p. 6).<sup>52</sup>

195. Yet now, COP's Book of Abraham Essay admits that:

None of the characters on the papyrus fragments mentioned Abraham's name or any of the events recorded in the book of Abraham. Mormon and non-Mormon Egyptologists agree that the characters on the fragments do not match the translation given in the book of Abraham... Scholars have identified the papyrus fragments as parts of standard funerary texts that were deposited with mummified bodies. These fragments date to between the third century B.C.E. and the first century C.E., long after Abraham lived.<sup>53</sup>

196. Maxwell's 1985 book, *Sermons not Spoken*, remains for sale on COP's bookstore as an Ebook: [https://deseretbook.com/p/sermons-not-spoken-neal-maxwell-78554?variant\\_id=20038-ebook](https://deseretbook.com/p/sermons-not-spoken-neal-maxwell-78554?variant_id=20038-ebook) as of Feb. 21, 2021, and is also for sale on Amazon and Barnes and Noble websites.

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<sup>52</sup> Apostle Neal A. Maxwell originally delivered in a speech at BYU entitled *Meek and Lowly*, subsequently published by Deseret Book, Salt Lake City: 1987, pp. 105-106. See also, *Sermons Not Spoken*, where Apostle Maxwell claims that "There is no error in the revelations Joseph taught!" Salt Lake City: Bookcraft (June 1, 1985, p. 6.)

<sup>53</sup> "Translation and Historicity of the Book of Abraham," Gospel Topics Essays (2016). <https://www.churchofjesuschrist.org/manual/gospel-topics-essays/translation-and-historicity-of-the-book-of-abraham?lang=eng> (Last Viewed 09/10/2019).



197. 1985 and 1987 LDS President Impliedly Denies Folk Magic in Smith's life. In a 1985 *Ensign* and subsequently in October General conference, Gordon B. Hinckley then LDS president, talks about folk magic in Mormon history and avoids addressing the issue directly; instead, he comments that just because it was prevalent in Smith's time does not mean he participated. These speeches were made after the Mark Hoffman Salamander letter was determined to have been forged. However, upon information and belief, COP has many documents in its archives, originals, and copies, attesting to Smith's participation in the practice.

198. 1988 COP Material Omissions in Correlated Guide for Missionaries is published under the COJCOLDS trademark. Upon information and belief, this guide was used up until a replacement was published in or about 2004. The guide contains a scripted dialogue meant to give missionaries examples of how to engage potential converts. It reads in pertinent part:

Situation 2

After a discussion about the Book of Mormon as scripture which is in addition to the Bible, "Mr. Peters [potential convert] then leans back in his chair with his hands behind his head. He is doing some deep thinking. He then brings his chair forward and says, "So what you're telling me is that a fourteen-year-old boy saw God the Father and Jesus Christ and then translated the Book of Mormon from some golden plates?" Sister Franks [LDS missionary] warmly replies, "That is exactly what we are saying." [Emphasis Added].<sup>54</sup>

199. Omitted in the information provided to both young missionaries and potential converts is the recent admission by LDS President Nelson that Smith used a seer stone in a hat to "translate" the *Book of Mormon*, while the gold plates were "usually covered," when Smith dictated. And

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<sup>54</sup> *MISSIONARY GUIDE* (Training for Missionaries) ©1988, Intellectual Reserve Inc.

that Smith himself describes the vision as one where he saw [only] the Lord, who forgave him of his sins. No comment that other creeds were false, and so no need for a restored church.

200. Upon information and belief, the above role-playing dialogue and teaching strategy remained in use until the publication of *Preach My Gospel* in 2004, when that publication replaced both the 1986 missionary scripted discussions and the 1988 Missionary Guide.

201. Apostle Oaks Privately Admits that even if Part of the *Book of Mormon* was Ripped off from Other Sources it is not Important. According to journalist Steve Benson, evidence presented by his wife, Mary Ann, in a meeting with Apostles Dallin Oaks and Neal Maxwell that Solomon Spalding's writing influenced the creator of the *Book of Mormon*, compelled Oaks to admit to the Bensons that a small part of the *Book of Mormon* may have been ripped off from other sources— but that even if that were the case, it was “not important.”

202. 1993 & 1997 *Ensigns* Reference a Nondescript Stone with Obscure Misleading Art. In 1993, and 1997 Apostles Russell Nelson and Neal Maxwell, respectively, write articles for COP's *Ensign* magazine. Each has a single reference to a stone used by Smith. Neither article provides a description of the opaque brown stone which had been in the Church's vault for approximately 100 years by that time. Rather, the articles conflate the description of the stone with stones in spectacles (Nelson), or the Urim and Thummim and “divine instrumentalities,” (Maxwell). Neither article contains a photo of the opaque egg-sized brown stone revealed in 2015. Instead, artwork in both articles depicts Smith translating directly from gold plates, no stone in sight. Finally, there is no mention of Smith placing the stone in a hat, with the gold plates not directly used, as demonstrated by current LDS President Russell Nelson in May of 2020. Below is the photo placed in the middle of the 1993 *Ensign* article, p. 62, showing open

plates, no hat, or brown stone, by a then unattributed artist who was identified in the Oct. 2015

*Ensign* as Earl Jones.



Photo of art used in Nelson's 1993 *Ensign* article, by a then unattributed artist.



*Joseph Smith Translating the Book of Mormon*, by Del Parson, 1996

Photo used in Neal Maxwell's 1997 *Ensign* article. Upon information and belief, Parson was commissioned to paint this scene with the elements and lay out of the artwork in the 1993 article.

203. 1993. Apostle Oaks Denies Church Doctrine of ‘Lying for the Lord,’ September 1993, two months after Nelson’s misleading article is published in the *Ensign*, Oaks claims: “I suppose most mortals employ some exaggeration and a little of what someone called “innocent after-mindedness.” But does this mean we condone deliberate and important misrepresentations of fact in a circumstance in which they are clearly intended to be believed and relied upon? Never! Lying is sinful, as it has always been, and there is no exempt category for so-called “lying for the Lord.” Lying is simply outside the range of permitted or condoned conduct by Latter-day Saints—members or leaders.”<sup>55</sup>

204. 1994 COP Misrepresents its Tithing Use to Children in Primary Manual.

*Tithing Is Used to Help Jesus Christ’s Church Grow Pictures and Discussion*

Display picture 3-26, Child Paying Tithing. Explain what happens to the tithing after the bishop receives it. It is counted, and the tithing is sent to Church headquarters. The leaders of the Church then use it in different ways to help the Church grow, such as building temples and meetinghouses, providing materials for us to study, and for seminaries to help us learn the gospel...

Tithing money pays the expenses for building and maintaining meetinghouses, temples, and other Church buildings. Some tithing money pays for family history and temple work.

Some tithing money is used to support missionary work.

Explain that tithing also helps pay for many other things, such as seminary and institute programs. It is a privilege and blessing to pay tithing. We should feel good knowing that the money we give for tithing helps the Church.

205. 1994. Apostle Misrepresents Tithing Use in April General Conference.

His Speech Remains Available on Official LDS Website as of 2021. Dallin Oaks said:

*The Lord has directed by revelation that the expenditure of his tithes will be*

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<sup>55</sup> Dallin H. Oaks, “Gospel Teachings About Lying,” BYU Fireside Address, 12 Sept. 1993; *Clark Memorandum* [J. Reuben Clark Law School, BYU] (Spring 1994).

*directed by his servants, the First Presidency, the Quorum of the Twelve, and the Presiding Bishopric (see D&C 120). Those funds are spent to build and maintain temples and houses of worship, to conduct our worldwide missionary work, to translate and publish scriptures, to provide resources to redeem the dead, to fund religious education, and to support other Church purposes selected by the designated servants of the Lord.*

206. 1997 LDS Primary Manual Misrepresents Translation as Directly from Plates.

Young LDS members, including LAURA GADDY who was eleven at the time, were groomed to accept the gold plate translation story about *Book of Mormon* origins. Never since Correlation began, were primary children shown a picture of the brown stone used in a hat as demonstrated by President Nelson for the first time in May 2020. The publication reads in pertinent part:

[The teacher is prompted to ask the children]: “What important work was Joseph Smith called to do?” [The manual prompts the teacher to]: Remind the children that the Book of Mormon is the translation of the golden plates... [And then, to] Discuss the many languages used throughout the world, and explain that the word translate means to change writing or speech from one language to another... [Ask the children] What was the language of the writings on the golden plates? (reformed Egyptian.) ...Show the picture of the golden plates, and discuss Joseph Smith’s task of translating the strange writings on the plates... [Tell the children that] *At first Joseph spent a lot of time becoming familiar with the plates and the language in which they were written...* [Emphasis added.]

207. 1997 LDS Gospel Art Kit—Church History Art Kit Misrepresents Translation Process.

The art and description set forth below was used in teaching LDS members at the local level from date of publication for at least twenty years. In this gospel art kit under the picture of *Joseph Translating from the Plates* by Del Parson, is a summary that reads in pertinent part:

When the Prophet Joseph Smith received the golden plates from the angel Moroni, *he studied the strange language written on them.* With Heavenly Father’s help, Joseph translated the writing on the golden plates into words he could understand. Oliver Cowdery helped Joseph by being his scribe. *As Joseph read out loud from the plates,* Oliver wrote down the words. When the translation into English was completed, the book was printed. It is called the Book of Mormon. [Emphasis added]



Gospel Art Kit-Church History, © 1997, IRI. Photo is of Del Parson's 1996 artwork.

208. From 2000 to the present. Priesthood Manual Misrepresents Tithing Use.

"The tithes and offerings we give to the Church are used for the Lord's work" The manual then lists the ways that tithing is used, none of which are for commercial purposes.<sup>56</sup>

Operate the missionary program. Build and maintain chapels, temples, and other buildings, Educate people in Church schools, seminaries, and institutes, Create, print, and distribute the scriptures, lesson manuals, and other Church materials, Further family history work, Provide for those in need, Meet the expenses of general conferences.

209. 2001 President Thomas S. Monson Misrepresents Translation Process and Defendant's Belief in the location of the Hill Cumorah,

Speaking from the Hill Cumorah, New York, on satellite transmitted video, later published in the *Ensign* magazine. Monson reiterates what had been the official position for almost 100 years concerning the location of the burial of the gold plates and the area where the two civilizations,

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<sup>56</sup> The link is accessible as of Feb. 12, 2021.

<https://www.churchofjesuschrist.org/study/manual/duties-and-blessings-of-the-priesthood-basic-manual-for-priesthood-holders-part-b/gospel-principles-and-doctrines/lesson-30-tithes-and-offerings?lang=eng>



the Nephites and Jaredites, died. What follows is a transcription of his words from that video.

Bonneville Communications aired it between Conference sessions on 1–2 April 2000.

*What a privilege to be here at the Hill Cumorah and to reflect on the momentous events that unfolded on September 22, 1827, when a plowboy prophet took a horse and wagon and, in the dark of night, rode to this hill, where he received an ancient record from the angel Moroni. In a remarkably short time, this untutored young man translated a record detailing 1,000 years of history and then prepared the Book of Mormon for public distribution.*

210. LAURA and those like her listened to General Conference twice a year, including the programs in-between Like Monson’s comments, over satellite broadcast into their home or, in LAURA’S case, from Salt Lake City to the local ward chapel in North Carolina.

211. However, as of January 2019, as admitted in its essay, COP has no opinion on whether the Hill Cumorah is located. “The Church does not take a position on the specific geographic locations of Book of Mormon events in the ancient Americas [which includes Hill Cumorah].”<sup>57</sup>

212. Upon information and belief, uncertainly about the location of the Hill Cumorah had been privately acknowledged by COPs Brethren for at least a half century prior to this time, based on the lack of archaeological evidence for the *Book of Mormon* battles near the New York Hill Cumorah. However, that doubt was never shared with LDS followers. In 1960, COP shuts down any talk about a Hill Cumorah location other than New York, in a letter to its local bishops. From COP *The Messenger*, July 1960, No. 51. Upon information belief, the letter was sent to all bishops: To “Bishops.” “Attention Called To ‘Book of Mormon’ Maps”:

Our attention has been brought in the past few weeks to certain “Book of Mormon Lands” maps which are being offered to Church leaders and auxiliary workers by a

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<sup>57</sup> [https://www.churchofjesuschrist.org/study/manual/gospel-topics/book-of-mormon-geography?lang=eng&fbclid=IwAR3wnZwTbI48B7dvV\\_YDy7\\_n5-FvXJxfBFpOdYjJawLr4OU5pTLzinSBmI](https://www.churchofjesuschrist.org/study/manual/gospel-topics/book-of-mormon-geography?lang=eng&fbclid=IwAR3wnZwTbI48B7dvV_YDy7_n5-FvXJxfBFpOdYjJawLr4OU5pTLzinSBmI) (Last Viewed April 10, 2020)

California organization. They are apparently being distributed free of charge. We wish to refer bishops to the printed matter at the bottom of the map, which contains an inference that there are two, rather than one, Hills Cumorah — one in Mexico as well as the one in New York. The Church has never accepted this contention. Bishops are requested to make cognizant of this discrepancy those in their wards who might be sending for these maps or using them for instructional purposes. This concept of two Cumorahs should not be taught as official Church doctrine.

213. 2003 LDS President Hinckley Misrepresents Tithing Use at General Conference.

At General Conference in April 2003, then LDS Prophet Gordon B. Hinckley announces with regard to City Creek Mall: “I wish to give the entire Church the assurance that tithing funds have not and will not be used to acquire this property [City Creek Mall]. Nor will they be used in developing it for commercial purposes.” LAURA, and others like her watched this speech. However, because she had always been taught that tithing was used for religious purposes, the import of Hinckley’s statement did not make an impression on her young mind until years later. (See ¶220, below.)

214. 2004 LDS Missionary Manual Misrepresents how Tithing is Used.

*“Tithing funds are used to support the ongoing activities of the Church, such as building and maintaining temples and meetinghouses, carrying the gospel to all the world, conducting temple and family history work, and many other worldwide activities.”* From *Preach My Gospel*, p. 79. This statement is contained in the manual used by all LDS missionaries worldwide, serving from 2004 through 2018, when the manual was updated. It was used by LAURA on her mission.

215. 2004 Sunday School Student Manual about Smith Omits any Reference to Brown Stone.

In a student manual entitled Presidents of the Church, there is no reference to anything other than gold plates to describe the process by which Smith translated the *Book of Mormon*.<sup>58</sup>

216. 2004 Guide to Missionary Service Misrepresents Smith's First Vision Account. This COP-correlated publication is provided to missionaries and sold at Desert Book. It depicts Smith experiencing a vision in a grove with two personages described (as opposed to just the Lord as written in the account by Smith in his own hand, concealed for over half a century). This 2004 representation contradicts the recently published version in the COP essay about the First Vision which incorporates Smith's handwritten account and admits that he saw only the Lord (not God the Father, as well) who forgave him of his sins (no mention of other creeds being false).<sup>59</sup>

217. In his original handwritten account, dated nearest to the 1820 event, Smith wrote:

*...and while in the attitude of calling upon the Lord, in the sixteenth year of my age, a pillar of light above the brightness of the sun at noonday came down from above and rested upon me. I was filled with the spirit of God, and the Lord opened the heavens upon me and I saw the Lord. And he spake unto me, saying, "Joseph, my son, thy sins are forgiven thee."*<sup>60</sup>

218. 2004 Missionary Guide Misrepresents Smith's Translation. In *Preach My Gospel*, COP depicts Smith appearing to translate directly from gold plates, with his scribe. There is no mention of the seer stone used in the *Book of Mormon* creation, nor that the original account of

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<sup>58</sup> "Chapter 1: Joseph Smith: First President of the Church," *Presidents of the Church Student Manual* (2004), pps. 1–19. <https://www.churchofjesuschrist.org/manual/presidents-of-the-church-student-manual/chapter-1?lang=eng> (Accessed Feb. 25, 2021)

<sup>59</sup> "First Vision Accounts," Gospel Topics Essays (2016) (Last viewed Oct. 2, 2019). <https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/first-vision-accounts?lang=eng>

<sup>60</sup> <https://www.churchofjesuschrist.org/manual/first-vision-accounts/1832-account?lang=eng> (Accessed February 2, 2021)

the First Vision written by Smith in 1832 in his own hand contradicts the correlated version in significant specifics. This missionary guide was used by LAURA and upon information and belief, others similarly situated, in their proselytizing efforts.



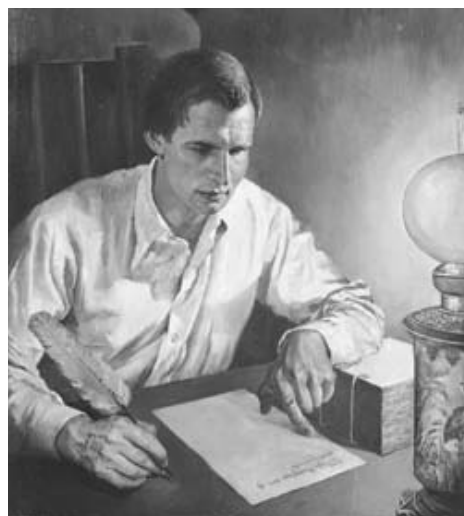
*Preach My Gospel* (a Guide to Missionary Service) © 2004 IRI, p. 38. Painting by Del Parson is also found in the *Gospel Art Book* © 2009, IRI at p. 92. The image was also published in the Oct. 2006 & Dec. 2012 issues of the *Ensign* Magazine, a COP/CES/CC correlated publication.

219. 2005 Missionary Preparation Student Manual Misrepresents 1<sup>st</sup> Vision and Translation.

This manual is used in an institute (college level) class by LDS students who plan to serve missions for the LDS Church. The manual contains the misrepresentations that during Smith's First Vision he was visited by two personages (in contradiction to Smith's original 1832 handwritten account), and that the *Book of Mormon* was created by Smith translating directly from gold plates. *Missionary Preparation* (Student Manual, Religion 130) © 2005, IRI.



The First Vision, Contradicting what Smith Wrote in his 1832 Account.  
Printed in: *Missionary Preparation Student Manual* (Religion 130)  
© 2005 Intellectual Reserve, Inc., p. 73.



*Joseph Smith Translating the Golden Plates.* by Harold T. Kilbourn, 1978  
Located in the LDS *Missionary Preparation Student Manual* © 2005 IRI p. 74.

220. 2006-2007 Tithing Misrepresentations in Defendant's Publications:

"The Church first announced three years ago it was planning to redevelop the downtown area to energize the economy of the city that houses its headquarters and to bolster the area near Temple Square. No tithing funds will be used in the redevelopment." "[Church Releases Plans for Downtown Salt Lake](#), *Ensign*, Dec. 2006, 76–80."

"Money for the project is not coming from LDS Church members' tithing donations. City Creek Center is being developed by Property Reserve Inc., the church's real-estate development arm, and its money comes from other real-estate ventures. Doug Smeath," "[Downtown renovation project](#)", published in the COP-owned *Deseret News* March 27, 2007."<sup>61</sup>

221. 2007 Tithing and Fast Offering Pamphlet Omissions.

This pamphlet was/is distributed by missionaries. It was/is also placed in the entries to English speaking local wards, accessible to visitors and members.

*How Are Tithing Funds Used?*

*Tithing is the Lord's law of finance for His Church. Tithing donations are always used for the Lord's purposes, which He reveals through a council of His servants. Some of these uses are:  
Building and maintaining temples, chapels, and other Church buildings.  
Supporting the activities and operations of local Church congregations...*

Pamphlet published by IRI, © 2007, above language is found on p. 10.

222. 2007 Sunday School Manual, Misrepresentations and Material Omissions about Key Mormon History through the Manual that was Used Throughout LDS Wards.

The manual is still available to order from the COP-owned distribution center on LDS.org and from Deseret Book. Chapter One reads:

The First Vision: The Father and the Son Appear to Joseph Smith. 'I saw two Personages, whose brightness and glory defy all description, standing above me in the air. One of them spake unto me, calling me by name and said, pointing to the

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<sup>61</sup> <https://www.churchofjesuschrist.org/study/ensign/2006/12/news-of-the-church?lang=eng>, and <https://www.deseret.com/2007/3/27/20009045/downtown-renovation-project> respectively. (Both links last viewed Feb. 16, 2021).



other— ‘this is My Beloved Son. Hear Him!’ (p. 27), in direct contradiction to Smith’s original account and what is now admitted by COP in its essay on the first vision.

- a. The traditional correlated version of Smith’s account of the first vision describes a dark presence prior to Smith seeing two personages who, after one introduced the other as his son, *claims that Smith claimed to have heard the Son say that all the creeds were wrong*, and he was to join none of them (contradicting Smith’s own handwritten account that he saw only the Lord, who forgave him of his sins). The manual states that Smith claimed he would translate the record of Ancient Americans inscribed on gold plates into what would be the *Book of Mormon*.
- b. With re: the Egyptian papyri, the manual reads: “In 1835, the Prophet began translating the Book of Abraham from ancient Egyptian papyri that the Church had purchased. All these translations later became part of the Pearl of Great Price.” [Emphasis added] (p. 12). There is no disclaimer that Egyptologists opine the papyri are a common Egyptian funerary document having no relation to the Hebrew Prophet Abraham. Or, that the facsimiles do not depict Abraham or events in his life, as is now admitted by COP in its *Book of Abraham* essay. (§168 above.)
- c. The manual is about “the life and ministry of Joseph Smith.”<sup>62</sup> The sole statement about Smith and polygamy is this one: “As commanded by God, he also taught the doctrine of plural marriage.”<sup>63</sup> There is no reference at all to the fact that “Joseph Smith married multiple wives,” as admitted in the plural marriage essay a few years later.<sup>64</sup>

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<sup>62</sup> *Teachings of the Prophet Joseph Smith*, p. iii. © 2007, IRI.  
[https://www.churchofjesuschrist.org/bc/content/shared/content/english/pdf/language-materials/36481\\_eng.pdf?lang=eng](https://www.churchofjesuschrist.org/bc/content/shared/content/english/pdf/language-materials/36481_eng.pdf?lang=eng) (Viewed Dec. 15, 2020)

<sup>63</sup> Ibid., p. 22.

<sup>64</sup> “Plural Marriage in Kirtland and Nauvoo,” Gospel Topics Essays (2016).  
<https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/plural-marriage-in-kirtland-and-nauvoo?lang=eng> (last viewed April 10, 2020)

223. 2008-2012. Former CES Decades-long Employee, Ken Clark, Reveals COP-directed CES Practice of “Lying for the Lord”: “...when the church or its leaders needed protection, it

was, and is, okay to fib, deceive, distort, inflate, minimize, exaggerate, prevaricate or lie.”<sup>65</sup>

224. 2009 Misrepresentation in Gospel Art Book. First Vision depicted with two personages.



From *Gospel Art Book* © 2009 Intellectual Reserve, Inc. (IRI) p. 90.

225. Smith is also depicted translating directly from gold plates, no seer stone in hat.

Plaintiffs, as unpaid teachers, and missionaries often used the pictures in the art book to teach .



*Gospel Art Book* © 2009, IRI at p. 92. The above image was also published in the October 2006 and December 2012 issues of the *Ensign* Magazine, a COP/CES/CC correlated publication.

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<sup>65</sup> Ken Clark, “Lying for the Lord.” p. 40. Nov. 14, 2012. <http://www.mormonthink.com/files/lying-for-lord-ken-clark.pdf>. Published in 2008, updated 2012.

226. 2010 *Deseret News* Advises Members to only use Church-approved source material.

In January of 2010, the COP owned *Deseret News* published an article titled “Use Proper Sources,” which depicts a mother-daughter scene transparently designed to advocate continued mind control over Mormon Church membership. The story in the article is of a mother struggling to prepare a Church lesson, books strewn across her table. The daughter asks her mother why she doesn’t just teach from the Church manual. “Why,” she asks, “are you trying to boil down information? An inspired Church-writing committee has already done that for you.” Daughter says that the manuals have been approved by the Quorum of the Twelve and the First Presidency. Mom, apparently a little dense in this scenario, looks confused. Daughter goes on to explain that all she needs to teach is in the approved manual which has been admittedly ‘correlated’ by the Brethren “... to ensure purity of doctrine, simplicity of materials, and control by the priesthood.” Mother’s concern disappears from her brow. She is relieved that the work (the thinking) has been done for her and she closes her books, shuts down her internet browser and returns from her brief, thinking escape, to the land of the unquestioning.<sup>66</sup>

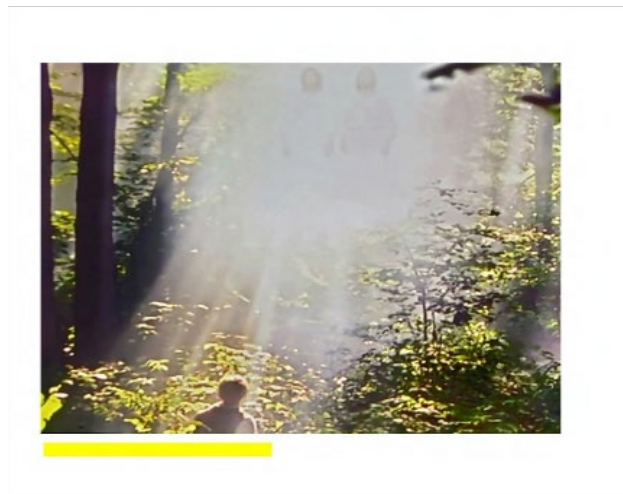
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<sup>66</sup> -----, “Use Proper Sources,” *Deseret News*, Church News Section, Saturday Jan. 9, 2010 [no author credited]. (Salt Lake City: Deseret News Pub., 2010) (Accessed 07/03/2010.) <https://www.thechurchnews.com/archives/2010-01-09/use-proper-sources-67734> See Exhibit No. 5 to this complaint filed herewith for the complete text of the article.

227. 2005 & 2011 Re-edited Film about Joseph Smith Misrepresents Mormon/LDS Origins.

The edited and re-released version of the 2005 Film: *Joseph Smith: Prophet of the Restoration* is an hour-long film produced by the LDS Motion Picture Studio which is, upon information and belief, a subsidiary of BIC. These words appear at the beginning of the film: “The historical events represented in this story are true and occurred on the American frontier from 1805-1845.” The film shows: A) the first vision is depicted as that version contradicting Smith’s handwritten account, where in 1820 young Smith saw two separate personages; and B) the film depicts Smith translating directly from exposed gold plates, into what would become the *Book of Mormon*, no brown seer stone or hat used or depicted.

228. In both versions the film misrepresents Smith’s account of his First Vision as one where he saw two personages, one of whom told him that he was to join none of the [existing] churches



Screen shot is at approximately 8:42. At approximately 8:44, after the depiction of the First Vision, Smith explains, “I was told, in the vision, to join none of the churches, but that the gospel in its fulness was about to be restored.”

229. The film also shows Smith retrieving golden plates and translating directly from them. There is no reference to a seer stone placed in a hat used for the creation of the *Book of Mormon*.



From the film: *Joseph Smith, Prophet of the Restoration* at approximately 18:50 minutes. This scene depicts Joseph translating directly from the gold plates.

230. 2011 Film Remains Available & is Widely Distributed with Misrepresentations Retained.

COP ran the film at the Joseph Smith Memorial Building adjacent to Salt Lake City Temple Square through 2015. As of the date of the filing of the Original Complaint, Aug. 5, 2019, it was available to watch in select LDS visitors' centers and online on the LDS.org website and free through Amazon Prime Video. And yet, there is still no mention of a seer stone.

231. In the film Emma Hale is depicted as Smith's only wife when as COP recently admits in their essay about Smith's polygamy, he had dozens, at least one of which was only 14 years old at the time he became involved with her.<sup>67</sup> According to several documents believed concealed by COP, many of these young women were taken into Smith's household as orphans or workers.

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<sup>67</sup> "Plural Marriage in Kirtland and Nauvoo," Gospel Topics Essays (2016).

232. 2012 Apostle Oaks Reiterates that there is no Paid Clergy in the LDS Church.

In an April General Conference talk, “Sacrifice,” Apostle Dallin Oaks states: “We have no professionally trained and salaried clergy in [T]he Church of Jesus Christ of Latter-day Saints.”<sup>68</sup>

233. 2012. Defendant’s Agent Denies Tithing used for Commercial Endeavors. Keith

McMullin, then a member of the Corporation of the Presiding Bishopric (CPB), told the *Salt Lake Tribune*: “not one penny of tithing goes to the church's for-profit endeavors.”<sup>69</sup>

234. Defendant Sends Unwitting Missionaries into the Field to Participate in their Fraud.

Though it does not teach its missionaries about the essays in the MTC, in or about 2015-2016, COP establishes a Churchwide policy that if an investigator in the mission field asks questions about information in the gospel essays, the missionary must direct that person to counsel with local LDS leaders; and, that the missionaries should not worry, nor attempt to reconcile issues raised in the essays because they are “too complicated.” Upon information and belief, as of 2020, the substance of the LDS essays are not addressed in the MTC, leaving missionaries unprepared to deal with the issues raised by investigators, using them as instruments to perpetrate their fraud.

235. August 4, 2015, COP Releases for the First Time a Photo of Smith’s Brown Stone.

Prior to this date and ever since Correlation was created in 1961, COP had not disclosed it was in possession of the stone to LDS members. Apart from the Brethren and selected inner circle COP

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<https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/plural-marriage-in-kirtland-and-nauvoo?lang=eng> (last viewed April 10, 2020)

<sup>68</sup> <https://www.lds.org/general-conference/2012/04/sacrifice?lang=eng> (Accessed Jan. 9, 2017)



<sup>69</sup> At the time this statement was made, Mr. McMullin had already issued checks from EPA’s accumulation of tithing principal for City Creek Mall development and the Beneficial Life Ins. Co. bailout. <https://archive.sltrib.com/article.php?id=54478720&itype=cmsid>



authorities, nobody was allowed to see it, or to see any of the other stones that Smith used in his life. In August 2015, COP’s official publication, the *Joseph Smith Papers*, releases this language with the photo: “never-before-seen photographs” of a seer stone Joseph Smith likely used in the translation of the Book of Mormon.”<sup>70</sup>



236. October 2015 *Ensign* Publishes Article re: Brown Stone; Adds Misleading Old Art.

In this article, published just three months after COP published a never-before-seen photo of the brown stone, COP’s *Ensign* publishes about the seer stone, but instead of showing Sweat’s stone in-hat artwork, or something similar in light of its recent disclosure, the article includes only the following four misleading photos of paintings of the *Book of Mormon* creation process: <sup>71</sup>

	
<p><i>By the Gift and Power of God,</i> by Simon Dewey, 2000</p>	<p><i>Joseph Smith Translating the Book of Mormon,</i> by Del Parson</p>

<sup>70</sup> <https://newsroom.churchofjesuschrist.org/article/church-history-department-releases-book-of-mormon-printer-s-manuscript-in-new-book> & <https://www.josephsmithpapers.org/articles/news-2015> (Both online articles last viewed November 17, 2021.)

<sup>71</sup> “Joseph the Seer,” by Richard E. Turley Jr., Assistant Church Historian and Recorder, et. al., . “The historical record clarifies how Joseph Smith fulfilled his role as a seer and translated the Book of Mormon,” *Ensign* (Oct. 2015) (Viewed Feb. 4, 2021) <https://www.churchofjesuschrist.org/study/ensign/2015/10/joseph-the-seer?lang=eng>

	
<p>Illustration by Robert T. Barrett</p>	<p><i>Translation of the Plates</i>, by Earl Jones, courtesy of Church History Museum</p>

237. That same month, COP publishes Professor Sweat's article in a COP magazine distributed to CES employees about how art influences LDS members. It includes Sweat's 2014 artwork depicting Smith looking in a hat to dictate the *Book of Mormon*. Sweat concludes that understandably art influences LDS members and that based on the fact that none of the *Ensign* artwork from 1971-2014 showed Smith dictating from a seer stone in a hat, it is not surprising that LDS members are confused when they discover "...that the Book of Mormon was apparently translated through seer stones placed in a hat to obscure light and that the plates were often concealed under a cloth or not in the room, and not by opening the plates with his finger on them and studying it out[.]" <sup>72</sup> Sweat acknowledges LDS members can experience cognitive dissonance when the art that they've seen their entire life contradicts what they discover in non-correlated sources:

*Why don't the renderings of the translation reflect the seer-stone(s)-in-a-hat process if that is how it happened based upon multiple historical sources? I cannot answer that question, as only those who have commissioned, created, and published the past artistic images can give an informed response.* <sup>73</sup>

<sup>72</sup> Anthony Sweat, "The Role of Art in Teaching Latter-day Saint History and Doctrine," *Religious Educator* 16, no. 3 (October 2015): pp. 40–57.

<sup>73</sup> *Id.*, at p. 5.

238. Ongoing Concealment of 19<sup>th</sup> Century Report Documenting Smith's Polygamy.

In 1887 part-time paid Mormon Church Historian Andrew Jenson compiles a list report of twenty-seven of Smith's wives based on interviews and affidavits. Upon information and belief, that list has been concealed from most all LDS in COP archives up through the present day.<sup>74</sup>

239. Continual Misrepresentation re: Smith's Practice of Polygamy.

COP has always presented Smith as an earnest if uneducated man of good moral character. Smith denied he practiced polygamy at the same time that he had multiple wives, including the wives of other men who served in his church (polyandry). Smith said, as documented in Defendant's own Church history: "*What a thing it is for a man to be accused of committing adultery, and having seven wives, when I can only find one.*"<sup>75</sup> Smith made this claim in 1844 in response to the *Nauvoo Expositor* publication that detailed his numerous extramarital affairs and sexual relationships. But only recently, in the essay on polygamy, did COP admit Smith's polygamy.<sup>76</sup>

240. 2016, COP Creates Thirteen LLC Entities in the Names of COP Employees.

Each of the companies had at that time, domains hosted by the LDS Church servers, which also hosted LDS.org and Mormon.org. All of the above-described entities were registered on July 21, 2016. Combined, the thirteen companies owned stock valued at \$32,769,914,000 in 2017. Upon

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<sup>74</sup> Note: LDS members were taught that Mormon leader Brigham Young had many wives, in part due to the scarcity of men and the abundance of women in pioneer families; both of those claims are disputed by independent historians. LDS were not taught that founding prophet Smith personally practiced polygamy or polyandry.

<sup>75</sup> *History of the Church* 6:410–41.

<sup>76</sup> "Plural Marriage in Kirtland and Nauvoo," Gospel Topics Essays (2016).  
<https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/plural-marriage-in-kirtland-and-nauvoo?lang=eng> (last viewed April 10, 2020)

information and belief, COP created the thirteen companies in part to deceive its members and others about how LDS tithing is used.

241. Circa 2015-16, Former BYU Professor Admits Traditional Historical Narrative not True.

In or about 2016, Richard L. Bushman, former BYU professor and one of three editors for the COP's *Joseph Smith Papers* project, admits to an intimate group of young LDS at a fireside that the traditional narrative of LDS history is not true. Though not speaking at that time as Defendant's agent, he admits: "The dominant narrative isn't true—it can't be sustained."

242. Below is the audio transcript from that Fireside:

**Audience Member Question:** [00:00:02] I'm wondering, um so it's me a lot of incongruity that that that exists now, but it's giving rise to a lot of crisis in faith in [inaudible] situation seems to be caused um in my view by by the disparity between the dominant narrative, the dominant what I would call the orthodox narrative, which is what we learn as missionaries what we teach ya know investigators, what we learn in Sunday school. And then as you get older, you kind of start to experience Mormonism in different ways. And those ways become um very important to you and dear to you. But sometimes they may not they may not jive with some elements of orthodoxy. And so what I'm wondering is like in your view do you see room within Mormonism for several different narrative, multiple narratives of a religious experience? Or do you think that in order for the church to remain strong, it would have to hold to that dominant narrative?

**Richard Bushman Answer:** [00:01:04] I think for the church to remain strong. It has to reconstruct its narrative. The dominant narrative is not true. It can't be sustained. [1:13/2:04]... [Bushman references Apostle Bruce McConkie's comment that the church needs to "protect the little people," then, comparing grandmothers in San Pete County to their grandsons, Bushman speaks of the grandsons and continues] They got a story that it [sic] didn't work. So, we've just had to change our narrative.<sup>77</sup>

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<sup>77</sup> Richard L. Bushman, PhD, LDS, and Columbia Professor, answering questions from a group of young LDS, circa summer 2016. <https://www.youtube.com/watch?v=MA0YS8LWWX4>, at 44:00/1:56:30 mins. (Last viewed 10/06/2019.)

243. Upon information and belief, former BYU employee Dr. Bushman has engaged in communication with COP leaders over a period of decades about Defendant's failure to correct the traditional correlated historical narrative to represent what can be reasonably inferred from its knowledge about the stones, artifacts, original manuscripts, documents, and other information for which LDS members have been denied access. But since Defendant failed to make the suggested changes, upon information and belief, his book *Rough Stone Rolling* was an independent attempt at a more honest account of Smith's life and character.

244. 2017 Misrepresentations in the Pearl of Great Price Student Manual (Religion 327) that directly contradict admissions made in the strategically hidden *Book of Abraham* Essay. The manual is to be used by Mormon Institute (college age) students. There is no disclaimer that the translation has been found incorrect by Egyptologists, or that Abraham is not depicted in the facsimiles, as COP previously admitted in its Book of Abraham essay. The following are excerpts:

P. 76/186 Facsimile 3 shows that Abraham not only survived his experience in Egypt, but that he was invited by Pharaoh to sit on the throne and teach principles of astronomy..." P. 85/186 Facsimiles 2-3; Abraham 4-5 Abraham Taught the Egyptians and Saw a Vision of the Creation of the Earth...Indeed, facsimile 2 contains figures and explanations relating to the Lord's plan of salvation. For example, the explanations for figures 3, 7, and 8 establish a clear relationship between the contents of facsimile 2 and the ordinances of the temple...p. 78/186. Facsimile 3, figure 1. Abraham upon Pharaoh's Throne In figure 1 of facsimile 3, Abraham is shown seated upon the throne of Pharaoh, "reasoning upon the principles of Astronomy, in the king's court" (explanation for facsimile 3; see also the explanation for figure 1). It is clear in Abraham 3:1- 16 and facsimile 2, figures 1-5, that Abraham gained great knowledge of the principles of astronomy (pps. 76-78, 85, and 186).

245. From at least 1961 through October 29, 2018, COP conceals the metal plate used to print facsimile no.3 in the *Book of Abraham*. For at least the past half century, it had characterized the tools used to print the *Book of Abraham* facsimiles as woodcuts. The plate's existence was

divulged in the 2018 the hard copy of a volume of the *JSP*, which sells for \$90.00, but that concealment was not admitted in the online version of the *JSP*, at least not as of Nov. 10, 2020.

246. After 1901, COP “Deaccessions” Facsimile #3 Metal Plate from its Museum until 2009, as admitted in Vol. 4, p. 300 of Defendant’s *Joseph Smith Papers* (“*JSP*”) published in Salt Lake City by the Church Historian's Press and Deseret Book on October 29, 2018.<sup>78</sup>

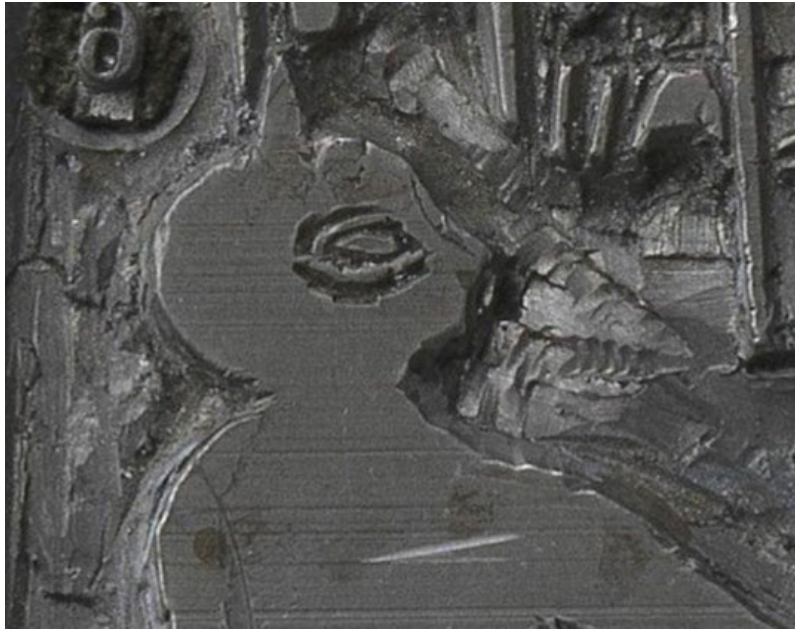


247. Below is a close up of what Smith translated as the figure 6 slave (flipped) from the jackal-headed Egyptian God Anubis, according to Egyptologists. Due to scrape marks on the metal near his snout, it appears that the metallurgist who crafted the plate removed Anubis’ snout, but it appears that his jackal ear was inadvertently retained (in profile).<sup>79</sup>

<sup>78</sup> "Facsimile Printing Plates, circa 23 February–16 May 1842," The Joseph Smith Papers, last accessed November 8, 2020, <https://www.josephsmithpapers.org/paper-summary/facsimile-printing-plates-circa-23-february-16-may-1842/3>

<sup>79</sup> Close up of figure 6, Facsimile Printing Plates, Nauvoo, IL, ca. 23 Feb.–16 May 1842; CHL.

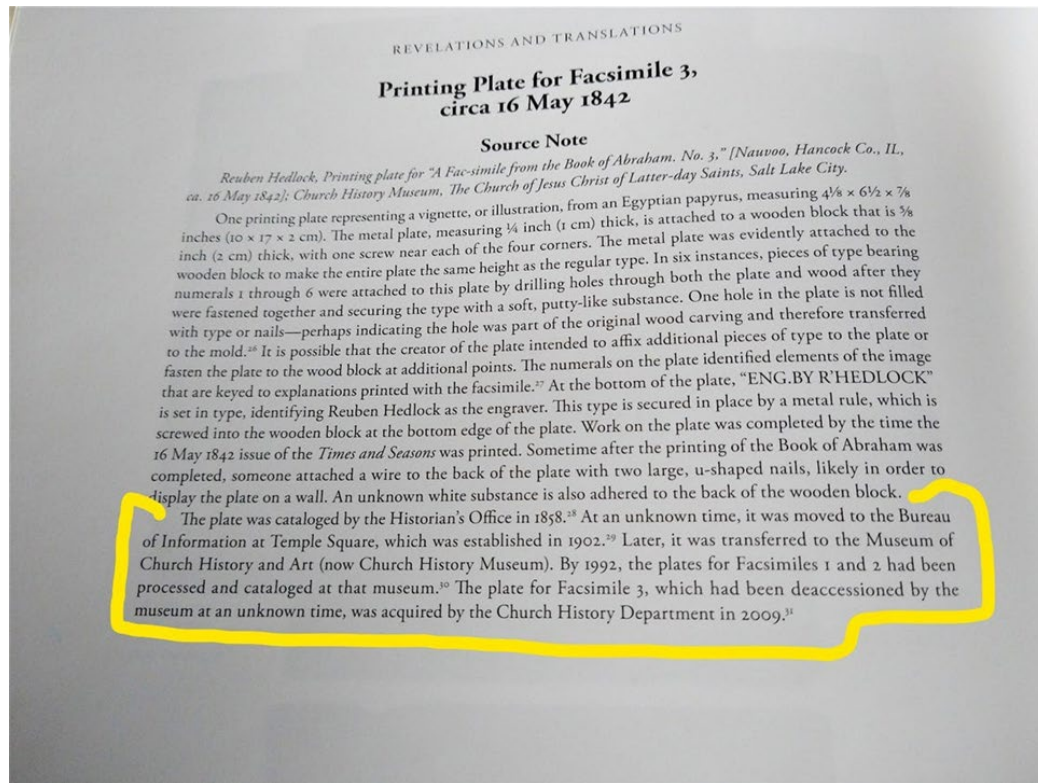




248. Below is Anubis as commonly depicted in Egyptian funerary papyri of the same period.



249. Defendant's explanation of chain of custody for metal or lead printing plate used to print Facsimile no. 3 in *Book of Abraham* is highlighted in the page below.



The above text reads: “*The plate was cataloged by the Historian’s Office in 1858. At an unknown time, it was moved to the Bureau of Information at Temple Square, which was established in 1902. Later, it was transferred to the Museum of Church History and Art (now church History Museum). By 1992, the plates for Facsimiles 1 and 2 had been processed and cataloged at the museum. The plate for Facsimile 3, which had been deaccessioned by the museum at an unknown time, was acquired by the Church History Department in 2009.*”

Robin Scott Jensen; Brian M. Hauglid, Editors. *Joseph Smith papers, Volume 4*. Salt Lake City: The Church Historian's Press and Deseret Book (October 29, 2018). This volume currently sells for \$89.99 at Deseret Book and Amazon.<sup>80</sup>

<sup>80</sup> Photograph of page from *Joseph Smith Papers*, Vol. 4, p. 300, located adjacent to the printing plate used for Facsimile no 3., depicted above. Note: this information is not included in the online version as of November 9, 2020. It is only found in the volume’s hard copy. See: <https://www.josephsmithpapers.org/paper-summary/facsimile-printing-plates-circa-23-february-16-may-1842/3> (Last accessed Nov. 9, 2020.)

250. As of 2019, Misrepresentations about LDS Origins, including its Scriptures, Remain. Misrepresentations about the First Vision and the Origin of the *Book of Mormon* as a Translation Directly from Gold Plates Remain. The authorship and/or attributions of the characters in the facsimiles in the *Book of Abraham* remain in many if not all of that canonized scripture online and for sale by COP and its various subsidiaries throughout the Empire up through the date of the filing of the Original Complaint.

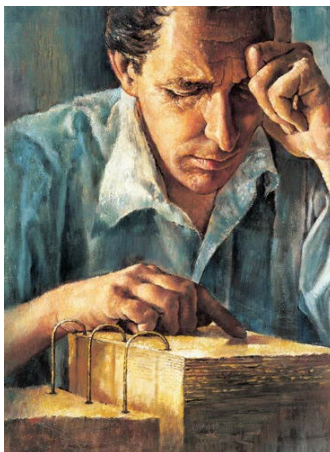
251. As of July 23, 2019, there remain pictures on the LDS.org website of two personages appearing to founder Smith, and of Smith translating directly from gold plates, no seer stone.

252. As of July 23, 2019, pictures of Smith appearing to translate directly from gold plate, no seer stone in sight, by various artists remain on the COP-owned website, [www.josephsmith.net](http://www.josephsmith.net).

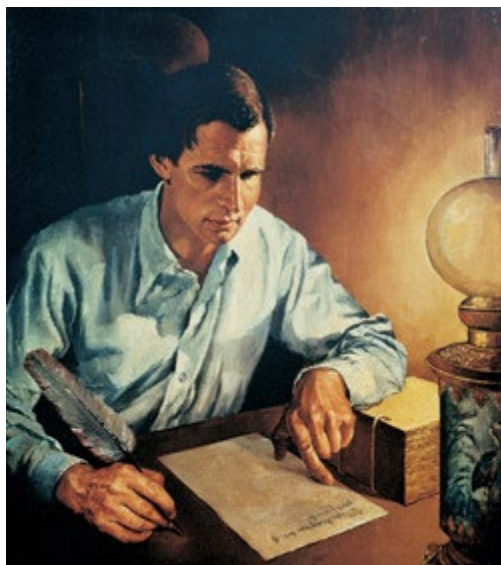
All of the photos below remain on the website as of Feb. 25, 2021, despite the brown stone in the hat admission, and President Nelson's video demonstration.

**Depictions of Smith Translating Directly from Gold Plates Remain in 2019**

<https://www.josephsmith.net/exhibit/the-book-of-mormon?lang=eng>



*You have a Gift to Translate the Plates*, by Harold T. Kilbourn, © 1970

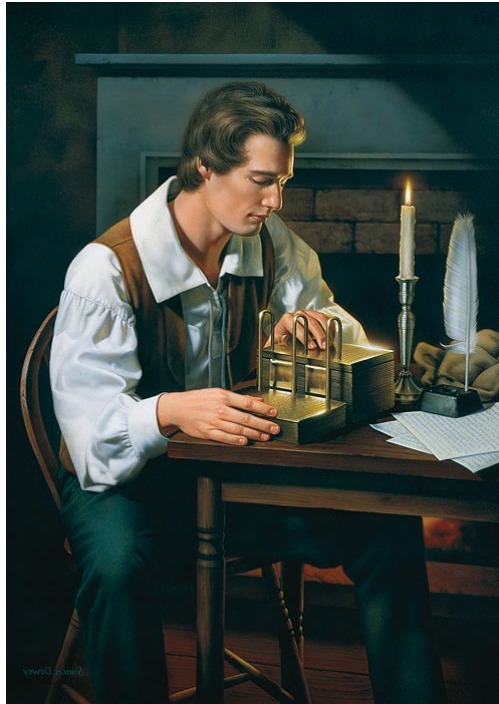


*Joseph Smith Translating the Golden Plates*, by Harold T. Kilbourn, 1978.



*Joseph Smith Translates the Golden Plates*, by Robert Barrett, 1988





*By the Gift and Power of God*, by Simon Dewey, 2000

253. 2021. Continuing Misrepresentation of how Tithing is used in Essay on Tithing,  
Currently Available on the Official LDS Church Website.

The Essay reads in pertinent part:

Church members give their tithing donations to local leaders. These local leaders transmit tithing funds directly to the headquarters of the Church, where a council determines specific ways to use the sacred funds. This council is comprised of the First Presidency, the Quorum of the Twelve Apostles, and the Presiding Bishopric. Acting according to revelation, they make decisions as they are directed by the Lord. (See Doctrine and Covenants 120:1.)

*Tithing funds are always used for the Lord's purposes—to build and maintain temples and meetinghouses, to sustain missionary work, to educate Church members, and to carry on the work of the Lord throughout the world.*<sup>81</sup> [Emphasis Added]

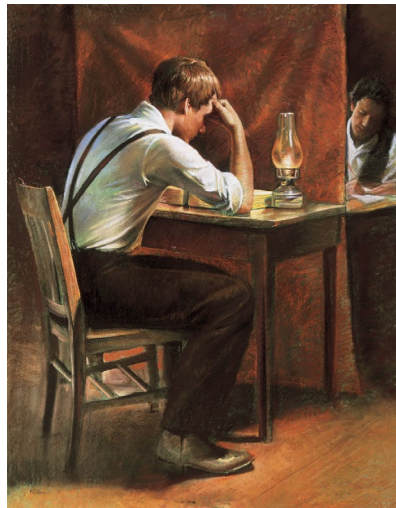
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<sup>81</sup> <https://www.churchofjesuschrist.org/study/manual/tithing-and-fast-offerings/how-are-tithing-funds-used?lang=eng> (viewed Feb. 3, 2021).

254. 2021 Misrepresentation from Church Online Magazine re: Tithing use: “Well, according to a January 2021 article on tithing use by COP-owned online magazine, *LDS Living*. Entitled “What is Tithing Money Actually Spent on?” it reads: “Well, according to a Church Newsroom release published in 2019 [a later version links to a COP essay on tithing], donations are spread among six categories, and they all revolve around the four-fold mission of the Church: to teach the gospel to the world, to strengthen the membership of the Church, to perform saving ordinances for the dead, and to care for the poor and needy.” No disclosure of commercial uses.

255. 2021 Smith Translates Directly from Plates Art Remains: No Stone in Hat COP Art.

The image below remains on COP’s official website as of the date of drafting this Second Amended Complaint. It has been five and a half years since COP published the never-before-seen photo of the opaque brown stone used in a hat to create the *Book of Mormon*, no gold plates in sight.<sup>82</sup>



*Joseph Smith Translating the Book of Mormon*, by Del Parson, 1996

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<sup>82</sup> <https://history.churchofjesuschrist.org/content/joseph-smith-translates-the-gold-plates?lang=eng> (Viewed last on Feb. 25, 2021).



### **VIII. MAIL AND WIRE FRAUD ALLEGATIONS**

256. COP engaged in a scheme or artifice to defraud LAURA and other class members by means of a traditional narrative about LDS origins promulgated churchwide through correlated materials that its top leaders, those in charge of Correlation, did not and do not sincerely believe. The correlated rhetoric includes concealed or omitted material facts that a reasonable person would find important to know before paying a full 10% tithe and committing to the LDS Church. Facts inherent in the traditional correlated historical narrative include but are not limited to (among other things) the fact that COP concealed Smith's original handwritten account of his 1820 First Vision; depicting and describing Smith's creation of the *Book of Mormon* as radically different from what President Nelson now acknowledges as the process used to create the *Book of Mormon*; omissions regarding the translation of the *Book of Abraham*, i.e., that Egyptologists do not agree with Smith's translation and that Abraham is not depicted in the facsimiles. It concealed Smith's original *Book of Abraham* manuscript and the Egyptian alphabet and grammar Smith used to translate the Book. COP concealed paid Mormon historian Andrew Jenson's 19<sup>th</sup> Century documented report of Smith's 27 wives. It also concealed eyewitness accounts of *Book of Mormon* creation with a brown stone, the same stone Smith used to try to locate buried treasure and for which he was convicted of fraud in 1826. They concealed that a metal plate was used to make Facsimile no. 3 which was deaccessioned from the LDS History Department collection for decades, if not a century. They concealed Smith's true character as a prolific adulterer and convicted criminal involved in folk magic and convicted of fraud. And/or,

257. COP knowingly devised or knowingly participated in a scheme and/or artifice to defraud LAURA GADDY and other class members to obtain Plaintiffs' money or property by means of

fraudulent pretenses, representations, or promises, and/or engaged in a scheme to defraud LAURA and other class members via making misleading representations designed to deceive Plaintiffs about how their tithing was and would be used. Tithing was not used only for the Lord's or Church purposes [reasonably interpreted as religious] but for commercial purposes as well, including but not limited to City Creek Mall and Beneficial Life Insurance Company.

258. COP could foresee that the U.S. Postal Service and interstate wires would be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out these schemes, within the meaning of 18 U.S.C. §§ 1341 and 1343.

259. In particular, pursuant to the schemes to defraud LAURA and other class members, COP knew or could foresee that the U.S. Postal Service and interstate wires would be used to receive and/or deliver, inter alia, communications for the purpose of providing misleading historical accounts of Smith's first vision, Smith's creation of the *Book of Mormon*, and the translation of the *Book of Abraham*, and purposely concealed artifacts used in LDS history and scripture creation including but not limited to the brown opaque stone, the metal printing plate for Facsimile no. 3., Smith's original account of his First Vision, Smith's 1826 conviction for peep stone fraud and other artifacts, original manuscripts, documents and information, for the purpose of concealing the history of Smith's First Vision, Smith's creation of the *Book of Mormon*, the meaning of the papyrus from which the *Book of Abraham* was sourced, their own historian's 19<sup>th</sup> Century report of Smith's 27 wives and records of numerous crimes that would reveal the nature of Smith's fraudulent character. And/or,

260. COP engaged in a scheme to defraud LAURA and other class members by means of making misleading representations designed to deceive Plaintiffs about how their tithing was

used, all the above for the purpose of persuading them to donate their time, money, and energy for the economic benefit of the Empire.

261. COP acting singly and in concert, personally or through its agents, used the U.S. Postal Service and interstate wires or caused the U.S. Postal Service or interstate wires to be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out a scheme and/or schemes to defraud LAURA and other class members, within the meaning of 18 U.S.C.A. § 1341 and 1343.

262. It is not possible for LAURA to plead with particularity all instances of mail and wire fraud that advanced, furthered, executed, and concealed the scheme and/or schemes because the particulars of many such communications are within the exclusive control and within the exclusive knowledge of COP. By way of example, however, COP specifically used the U.S. Postal Service or interstate wires or caused the U.S. Postal Service or interstate wires to deliver each and every electronic transfer, email, letter, mailing, conference speech, mission announcement/calling, and other uses of the mail and wire described in ¶¶159-255, above.

263. Upon information and belief, some of the wire communications described above occurred between persons in the same state but crossed interstate borders by reason of the technology and other mechanisms used to transmit the communication.

264. Each and every use of the U.S. Postal Service or interstate wires described above was committed by COP acting singly and in concert, personally or through its agents, with the specific intent to defraud LAURA and other class members or for obtaining the money or property of Plaintiffs by means of fraudulent pretenses, representations, or promises. COP’s acts

of mail and wire fraud in violation of 18 U.S.C. §§ 1341 and 1343 constitute racketeering activity as defined by 18 U.S.C. § 1961(1)(B).

265. LAURA and other class members suffered, continue to suffer, and will suffer substantial injuries by reason of COP's acts of racketeering.

**IX. FACTUAL ALLEGATIONS SPECIFIC TO PLAINTIFF LAURA GADDY**

266. LAURA was raised by her single mother who converted to the LDS Church in 1979, having relied on the correlated materials for her conversion and commitment to the Church. LAURA, along with her three older siblings, attended the LDS ward in Gastonia, North Carolina. She participated extensively in all the Church auxiliary programs from Primary onward, including Sunday School, Young Women and at age seventeen, Relief Society. She sang children's tunes about Smith's golden plates being a record made by [the ancient prophet] Nephi and Smith's account of the first vision in the sacred grove where he claimed to see two personages, God the Father, and his Son, who told him that all creeds are false and that their beloved prophet should join none of them.

267. She sang the song about the prophet never leading her astray. Chorus lyrics are:

Follow the prophet, follow the prophet,  
Follow the prophet; don't go astray.  
Follow the prophet, follow the prophet,  
Follow the prophet; he knows the way.<sup>83</sup>

268. A typical week during her childhood and youth was spent at the LDS Church for three hours on Sunday, learning about Mormonism at Family Home Evenings on Mondays, attending

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<sup>83</sup> Chorus to "Follow the Prophet," *LDS Children's Songbook* (#110), Words and music: Duane E. Hiatt, b. 1937. © 1989 IRI.

auxiliary activities for several hours on Wednesday nights and various Church activities on Saturday, including performing chapel janitorial duties. During these activities, most of which were held at the local chapel, she saw pictures of Smith translating directly from the gold plates and of his seeing two personages in a grove of trees during his First Vision. Never did she see artwork showing Smith creating the *Book of Mormon* by using a brown stone buried in a hat, or of the brown stone as the artifact used to create the Book of Mormon. She did see a representation of what was described as the urim and thummim, but that was depicted as eyeglasses with a breastplate as shown in ¶236, above.

269. At twelve LAURA was worthy to attend the holy temple and be baptized for the dead.

270. She attended the Church's girls camp. She served in numerous callings from Relief Society President to visiting teaching coordinator and gospel study teacher.

271. She had always been taught that tithing was used for church purposes and activities. She understood this to mean religious purposes and activities. Never in her life did she imagine her hard-earned tithing would be used to develop a mall or to finance commercial properties.

272. From age seventeen until early 2018, LAURA paid tithing on her earnings. She deposited the cash or a check in an envelope after filling out the form provided by the local ward. Her contributions were forwarded by her local ward bishopric to the COP.

273. Since childhood, it was LAURA's pattern and practice to listen twice a year to both Saturday and Sunday General Conference sessions, initially via broadcast to her local North Carolina chapel from Salt Lake City, where she was assured that her spiritual leaders would never lead her astray.

274. She ordered temple garments, teaching materials, and mementos from Deseret Book by telephone, and then later, online through Deseret Book's website.

275. LAURA graduated high school in 2005. From age seventeen to nineteen she drove 25-40 miles to attend Institute and singles wards while working as a waitress to save for a mission.

276. LAURA's Dedicated Service to the Mormon Corporate Empire.



277. While living in Gastonia, LAURA's stake president recommended that she serve a mission. She prayed about it and in 2005 received her mailed calling from COP headquarters. All twelve members of her family gathered around while she opened the envelope to reveal she had been called to the Hamburg, Germany Mission. Having received the academic award for the German language in high school, at age nineteen she left for her mission.

278. LAURA stayed just 2.5 weeks at the MTC due to her facility with the German language. While there, nothing but correlated information was presented about the historical restoration of the LDS Church. LAURA was never taught anything about Smith's original account of the First Vision, Smith using a seer stone in a hat to create the *Book of Mormon*, that he engaged in polygamous relationships, had been convicted of fraud for attempting to locate buried treasure with a brown stone, or the notion that Smith wrongly characterized Egyptian deities as the Hebrew Prophet Abraham.

279. Excited to serve, once in Germany LAURA taught discussions from the Missionary handbook, that included pictures of Smith's First Vision with two personages and him translating the *Book of Mormon* directly from golden plates. She also taught from the *Book of Abraham*.



280. She served honorably in Germany for nineteen months working approximately 75-80 hours a week. While there two of the Brethren, Apostles Jeffrey Holland, and Dieter Uchtdorf met with her and other missionaries in Hamburg, Germany in 2008.

	 <p data-bbox="938 1062 1268 1136">LAURA DENTON &amp; Apostle DIETER UCHTDORF</p>
<p data-bbox="300 1230 716 1287">LAURA DENTON in dark blue suit behind Apostle JEFFREY HOLLAND</p>	

281. After serving diligently, LAURA received credit for just two converts. Many times, potential converts would raise objections to what she attempted to teach, but when questioned, she was instructed by her leaders to ignore their comments as they were “Anti-Mormon lies.”

282. LAURA returned home discouraged, convinced that her personal imperfections were responsible for her failure to secure more converts. However, she remained faithful.

283. While on her mission, she taught potential members that tithing was always used for religious purposes and would then list those set forth in her manual, *Preach My Gospel*.

284. When she returned home to North Carolina, she applied to and was accepted at Western Carolina University. During this time, LAURA discussed her college plans with her stake president, who told her she should apply to a Church school. He looked at her and said with the stern force of prophecy “You should go to BYU-Idaho. You will meet your husband there.” In reliance on that prophecy, she declined acceptance to her local school and embarked on a 2,000-mile cross-country move to BYU-Idaho, in Rexburg.

285. LAURA graduated BYU-Idaho with a bachelor’s degree. While there, she took additional Mormon religion courses and attended Institute. She used the Institute and religion course manuals which never hinted at Mormon historical anomalies, or what had been concealed. She dated and remained in the Rexburg area for three months after graduation in an attempt to fulfill her stake president’s prophecy but did not meet her husband.

286. She found a job in her specialty in Florida and lived with an LDS family there for approximately two years. After much discussion and counseling with her bishop where she confided the hopes, fears, and disappointments of her young life, LAURA decided that Florida was not the right place for her. She looked for a professional position elsewhere.

287. Ultimately, LAURA took a job in Texas and attended a singles ward, where she met her husband in April 2015. They were married in the Rexburg Idaho Mormon temple in December of 2015. Two of her sisters were barred from the ceremony since the older one was not temple worthy and the younger deemed too young.

288. During her youth and young adulthood, she encountered nothing that caused her to question or contradict any of the misrepresentations made in COP correlated material. She, like

all others who have been raised in the Mormon organization, had been admonished not to read outside of COP-approved sources.

289. LAURA and her husband remained active. She taught Relief Society in her ward. During her temple recommend interviews she readily acknowledged that she paid a full tithing. She had relied upon COP's representations that tithing was used for Church expenses like missionary and educational funds, temples, *Book of Mormon* publication, and humanitarian aid. When asked if she associated with any whose practices were contrary to church teachings, she truthfully answered "no," securing her worthiness to enter the temple and obtain exaltation.

#### A Shocking Discovery Leads to Research

290. Then, in February of 2018, she was preparing a lesson for Relief Society. In search of conference talks to supplement her lesson she googled "Mormon videos" and came across a link to a video of an interview with Josh Durham, a Mormon physician, who talked about mind control and Steve Hassan's B.I.T.E. model of religious extremism in the context of Mormonism.

291. Dr. Durham stated that Smith lied about his personal participation in polygamy. At first, LAURA did not believe what she was hearing, she wanted to prove Dr. Durham wrong. She had always been taught that Smith had just one wife, Emma Hale. She researched Smith's participation in polygamy but found nothing dispositive on the LDS.org website. She did find link on LDS.org to another site where Smith's wives were listed. Thinking that since the Mormon website linked to an outside source from its own site, therefore she was allowed to read it, she viewed websites that addressed Smith's lies about his polygamy, which led her to sites where other historical issues were addressed, including the stone in the hat method of *Book of Mormon* creation, *Book of Abraham* anomalies, Smith's 1826 fraud trial, and other

misinformation. Over time, the conclusion was inevitable--Mormon history was radically different from what she had been taught.

292. In late 2019 she learned that the tithing which she had paid under the belief that it was used for church expenses appears to have also been used for COP affiliated business enterprises .

293. LAURA attempted to discuss the historical issues with her family and friends, all of whom either refused to listen to her or trivialized her concerns. She was alone in her despair.

294. She found that she could not reconcile what she had learned with continuing membership in the LDS Church. Ultimately, shortly after that rude awakening, she resigned from the Church.

295. She underwent months of counseling for the severe emotional distress that she has suffered upon learning that her trusted spiritual advisors have misrepresented the historical facts, and concealed important stones, artifacts, original manuscripts, documents, and information, leading her to build her faith upon an incomplete and misleading premises. Her entire life had been based upon a lie.

296. In 2019, realizing she could not trust her LDS leaders, she read news stories about the IRS Whistleblower complaint. She learned that a former employee of EPA claimed that tithing was used for City Creek Mall and to bailout out Beneficial Life Insurance company. She reflected back years ago when a friend of hers who had become disaffected from the Church told her that the Church was building a Salt Lake mall using tithing funds. She brought up the issue with her husband who checked several sites, among them, an LDS apologists' site.<sup>84</sup> That source

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<sup>84</sup>

[https://www.fairmormon.org/answers/Mormonism\\_and\\_church\\_integrity/City\\_Creek\\_Center\\_Mall\\_in\\_Salt\\_Lake\\_City#Question:\\_Was\\_the\\_Church-funded\\_redevelopment\\_project\\_in\\_downtown\\_Salt\\_Lake\\_City\\_known\\_as\\_City\\_Creek\\_Center\\_funded\\_using\\_tithing.3F](https://www.fairmormon.org/answers/Mormonism_and_church_integrity/City_Creek_Center_Mall_in_Salt_Lake_City#Question:_Was_the_Church-funded_redevelopment_project_in_downtown_Salt_Lake_City_known_as_City_Creek_Center_funded_using_tithing.3F) (Last accessed Feb. 20, 2021).

quoted directly from both the 2006 *Ensign* report and 2007 *Deseret News* article quoting LDS agents who assured members that no tithing was used for City Creek Mall. (¶220, above). Her husband relayed that information to her, and LAURA dismissed her friend's claim as another example of Anti-Mormon propaganda.

297. LAURA realized that all the times she heard and later, taught others that tithing was only used for Church purposes and activities that she had been misled. Now it appeared that tithing principal was used for commercial purposes; it was another breach of trust, a misrepresentation from her leaders who promised to never lead her astray, that they had in fact deceived her. She remembered the numerous hours spent cleaning her local chapel in order to help the Church conserve janitorial expenses.

298. She knew nothing of Smith's crimes and participation in folk magic but was taught and taught others that he was an innocent man of good moral character. While a missionary, with the artwork that she had seen growing up in mind and with tears in her eyes, she bore testimony of the *Book of Mormon* translation process, always as one where Smith had the gold plates directly in sight and translated them in the ordinary sense of the word. She earnestly explained the First Vision where both God and Jesus appeared and her beloved founding prophet was told that all other creeds were false, was the incipient event for founding her beloved LDS Church.

299. She wept at all the deceit about the Church history and Smith's character and realized from what she had discovered that her entire life had been dedicated to the service of a fraud.

#### **X. CLASS PROCEDURAL ALLEGATIONS**

300. The following individuals are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, their subsidiaries,

parents, successors, predecessors, and any entity in which Defendant or its subsidiaries or dbas, have a controlling interest and their current or former employees, officers and directors; (3) Plaintiffs' attorneys; (4) persons who properly execute and file a timely request for exclusion from the Class; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against defendant have been fully and finally adjudicated and/or released. Plaintiff anticipates the need to amend the Class definitions following discovery.

301. Definition of the proposed class: All who have resigned from the LDS Church less than four years prior to the date of the filing of the Original Complaint—August 5, 2019 (subject to tolling), as well as those who submit a request to resign to COP or its agent within 90 days of their receipt of the Class Certification notice and who do not opt-out of the Class.

302. Numerosity [Size]: The exact size of the Class is unknown and not available at this time, but it is clear that individual joinder of all persons is impracticable. COP has in its possession a list of those who have requested that their names be removed from its records. In 2019, the *Salt Lake Tribune* reported that 148,868 LDS members resigned in 2018 alone, based on statistics compiled from LDS sources.<sup>85</sup> Additionally, upon information and belief, tens of thousands of LDS have used the website [www.quitmormon.org](http://www.quitmormon.org) to resign since it was created in or about 2012.

303. Members of the Class can be easily identified through Defendant's records of those Mormons who have resigned within the above dates. Upon information and belief, and according to the *LDSPFCR*, most all of those who have resigned consider the misrepresentations identified

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<sup>85</sup> <https://www.sltrib.com/religion/2019/04/06/lds-church-tops-million/> (Last viewed 12/30/20.) "Amid the 2018 statistic report announced Saturday by [T]he Church of Jesus Christ of Latter-day Saints, there is a startling finding: the largest number of membership records ever removed in a single year — 140,868."



in this complaint about key Mormon history, as a substantial if not the primary reason for their disaffection.<sup>86</sup>

304. Commonality/Typicality and Predominance: There are many questions of law and fact common to the claims of Plaintiff and the Class; those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include but are not necessarily limited to: Class members were all part of the intended audience for Defendant's correlated material. Class members relied upon generally the same misrepresentations and material omissions about key Mormon history and/or use of tithing funds upon which they based their belief in the LDS Church.

305. Class members either committed to the Church as young adults or as converts. Most all Class members either served LDS missions or were married in an LDS temple or both. All potential Class members entered into a continuing oral contract to pay a full tithe in exchange for LDS temple access and/or membership. All potential Class members reasonably trusted the Brethren and reasonably believed the Brethren believed the correlated rhetoric that they created, approved, and published. The type of psycho-social issues caused by Defendant's deception, as set forth in the *LDSPFCR*, are common to all Plaintiffs.<sup>87</sup> And/or

306. All Class members reasonably believed that tithing was used for religious and not commercial purposes.

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<sup>86</sup> The *LDSPFCR* survey was conducted prior to widespread news coverage of the IRS Whistleblower Complaint, containing allegations that COP misused tithing proceeds.

<sup>87</sup> *LDSPFCR* is Exhibit 1 to this Second Amended Complaint and can also be downloaded here: [https://faenrandir.github.io/a\\_careful\\_examination/documents/faith\\_crisis\\_study/Faith\\_Crisis\\_R2\\_8e.pdf](https://faenrandir.github.io/a_careful_examination/documents/faith_crisis_study/Faith_Crisis_R2_8e.pdf)

307. Finally, damages suffered by members of the Class are of the same type: money in the form of tithing paid and other expenses (mission expense, Church school tuition, counseling for emotional distress, familial destruction, and divorce) in reliance on COP's misrepresentations and concealment of LDS origins, including Smith's character, and are readily calculable.

308. Adequate Representation: LAURA GADDY will fairly and adequately represent and protect the interests of the Class. She was a leader who served in various Church callings on her mission and in her wards. LAURA's Counsel has more than 30 years' experience as a civil litigation attorney having practiced in both Utah and California, experience in multiparty litigation from both a defense and plaintiff side, and class action experience. Neither LAURA nor her counsel has any interest adverse to the Class. Neither does Defendant have any defense unique to LAURA. Plaintiff and her counsel are committed to vigorously prosecuting this action on behalf of the members of the Class and have the resources to do so.

309. Appropriateness per Fed. R. Civ. P. 23 (b) (1): Prosecuting separate actions by individual class members would create a risk of: (A) inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class; and (B) adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests.

310. Defendant's business propaganda practices have been promulgated, apply to, and have affected the members of the Class uniformly, and LAURA's challenge of those practices and claim for damages as a result of those longstanding practices hinges on Defendant's conduct with

respect to the Class as a whole, not on facts or law applicable only to LAURA. Additionally, the damages suffered by individual members of the Class will likely be small relative to the burden and expense of individual prosecution of the complex and protracted litigation necessitated by Defendant's actions/omissions.

311. Upon information and belief, COP is worth in excess of \$300 billion dollars and has access to the best attorneys in the United States. Thus, it would be virtually impossible for the members of the putative Class to obtain effective relief from COP's fraud on an individual basis. A class action provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Economies of time, effort, and expense will be fostered, and uniformity of decisions will be ensured, especially given that appeals are likely.

312. Fed. R. Civ. P. 23(b) additional pertinent matters. A class action is superior to other available methods for fairly and efficiently adjudicating the controversy in that it would be judicially expeditious for the matter to be litigated in this particular forum, given it is the location of Defendant and that most of its actions/omissions occurred in this jurisdiction. Furthermore, upon information and belief, the majority of the witnesses to said actions are located within this forum or very nearby.

313. Fed. R. Civ. P. 23(c) notice to potential class members: Upon information and belief, notice required per this subsection can be easily accomplished as described in the numerosity section above. Notice in compliance with the above section can be accomplished through discovery requests to Defendant to identify those who have resigned through COP's membership rolls. It is widely known that COP maintains records on those who have resigned, often sending representatives to those members who have moved and/or become inactive or resigned months

and even years after the members' activity has ceased. Additionally, there are numerous social media sites supportive of former LDS members and the crises they have experienced.

**FIRST CAUSE OF ACTION: FRAUD IN THE INDUCEMENT TO ENTER INTO AN  
ORAL CONTRACT**

314. Plaintiff incorporates paragraphs 1-313 above as though fully set forth herein.

315. Defendant COP made the representations as specifically described above through correlated rhetoric in the above referenced paragraphs. In general, they represented that Smith translated the *Book of Mormon* manuscript directly from gold plates, that Smith's account of his First Vision involved two personages, one of whom told him that all other creeds were false, that the *Book of Abraham* was written by the Hebrew prophet Abraham and depicts he and his life events in the facsimiles contained therein, that Smith received a revelation on polygamy, but lived as a monogamist, and that the Hill Cumorah is located in upstate New York.

316. Church leaders also concealed its historian's 1887 report documenting Smith's prolific sexual practices/polygamy, the court docket noting Smith's 1826 conviction for fraud, the brown opaque stone used in creating the *Book of Mormon*, the white stone used to translate the *Book of Abraham*, the metal plate used to create *Book of Abraham* Facsimile no. 3, Smith's original *Book of Abraham* manuscript and Egyptian grammar and alphabet circa 1835,<sup>88</sup> eyewitness accounts to Smith translating with a stone in a hat, as well as other items. And/or,

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<sup>88</sup> "Grammar and Alphabet of the Egyptian Language, circa July–circa November 1835," *The Joseph Smith Papers*, accessed March 15, 2021, <https://www.josephsmithpapers.org/paper-summary/grammar-and-alphabet-of-the-egyptian-language-circa-july-circa-november-1835/1> (See Exhibit 3, filed with this complaint.)

317. COP made the representations as more fully described in the paragraphs ¶¶188, 204-205, 208, 213-214, 220-221, 233 and 253-254 that tithing is [only] used for Church [reasonably interpreted as religious] purposes and activities. Upon information and belief, when each of those representations were made Defendant was using tithing principal for commercial real estate deals and other non-religious or non-charitable purposes.

318. For all relevant times, COP received all tithing proceeds from the wards and branches. It then returned a tiny portion of those proceeds to the local wards or branches from which it received the tithing.

319. For all relevant times, COP listed, “purity of doctrine” as the first purpose of Correlation. COP has argued that the representations at issue in this case are beliefs or doctrine. “Pure” means unadulterated, free from foreign or in this context, and given the promise to never lead members astray, corrupt information. It is more than an imprimatur; it is an endorsement that what is “correlated” is believed by the Brethren, those in charge of Correlation.

320. An important LDS doctrine is the doctrine of Free Agency. COP teaches that there was a war in heaven during the preexistence (the state of souls who exist before they are born into human bodies on Earth). In the preexistence, Lucifer (*aka* Satan in LDS theology) and Jesus were brothers, both Sons of God, the Father. The Church teaches that its very existence is rooted in a divine plan that grew out of the war fought precisely over whether the souls in heaven should be compelled to do right (Lucifer’s plan) or should freely choose to follow God’s plan after having been taught what is right (Christ’s choice). This is the doctrine of “free agency.” The “war in heaven,” fought over this principle is discussed in LDS Scripture (*Book of Moses*). COP teaches, and professes to believe, that in order for God’s final judgement of man to be just, man

must have the unfettered freedom to accept or reject the gospel when it is presented fairly and without manipulation. In fact, COP professes to believe and teaches that Lucifer was cast out of heaven because of his opposition to this very principle. It is rebellion over this principle that COP professes to believe to be what made Lucifer the devil that he is. COP teaches and believes that Lucifer was disqualified from further participation in God's own "Plan of Salvation" on the basis of his rebellion over free agency, and on that basis, denied a mortal body and opportunity for eternal reward. The relevance of "free agency" as taught by COP, is to render a contextual environment within which choices made by the children of God on the subject of the adoption of the gospel of Jesus Christ, including which church holds the divine authority of Christ, might be just. Justice in judgment, as taught by COP, requires unfettered free choice, "Free Agency."

321. A corollary doctrine to the application of the free agency doctrine is the principle of honesty. Honesty is one of the 13 Articles of Faith memorized by young LDS, "We Believe in being Honest..." COP teaches that "honesty includes full disclosure" (without reference to a duty). It also teaches that there are many other forms of lying and that one can intentionally deceive others "by a gesture or a look, by silence, or by telling only part of the truth." It teaches that honest people will recognize Satan's temptations and will speak the whole truth, even if it seems to be to their disadvantage. Finally, it teaches that "lying is any communication to another with the intent to deceive."

322. Honesty, in conjunction with the longstanding doctrine of "free agency," mandates that LDS Brethren's correlated rhetoric be free from deception. Indeed, Dallin Oaks, an attorney and a former justice on the Utah Supreme Court, COP's leader-agent for 45+ years, denies that "Lying for the Lord" is an LDS belief or practice. A course of conduct contrary to those



principles is not a “sincerely held religious belief” of the Brethren nor of COP, since Defendant corporation can only act through its agents.

323. The Brethren have ultimate approval of correlated rhetoric. As alleged, this includes artwork, which is not merely a matter of artistic taste, but has been intentionally created and extensively used as propaganda in all educational manuals, including those used by missionaries, which are provided to the local wards and branches for teaching LDS members. Correlation’s rhetoric is the Brethren’s rhetoric. It was and is therefore reasonable for LAURA and potential Class members to infer that the Brethren’s beliefs are coextensive with the correlated rhetoric that they approve[d].

324. COP corporate leader-agents, including the Brethren and those in charge of Correlation, are charged with knowing about the stones, artifacts, original manuscripts, documents, and other information contained in their archives.

325. Defendant’s use of correlated material, including how tithing was used, claimed by them to represent “purity of doctrine,” [which also included Mormon history and scriptural origins] together with their instructions to all teachers and missionaries to teach only correlated materials, that the Brethren would never lead them astray, and that honesty includes full disclosure, gave rise to a reasonable inference by Plaintiffs that COP’s Brethren and those in charge of Correlation, including but not limited to President Nelson and counselors Oaks and Eyring, and those who had come before who directed Correlation from the outset, believed in the correlated material that they promulgated and continue to promulgate.

326. The correlated representations set forth above were about a presently existing fact in that it was about the Brethren’s collective states of mind: that they believed the traditional historical

narrative and believed in the principles and doctrines of honesty and free agency that give rise to the very existence of the Church and its core mission. Their collective states of mind was material to young people and potential converts, who were commit their considering committing their lives to the church. And/or,

327. As more particularly described in the preceding paragraphs, the Brethren and those COP agents involved in LDS Church finance who engaged in rhetoric about how tithing is used, represented that it was used for church [religious] purposes. As defined by Defendant, church purposes have never included commercial ventures.

328. Misrepresentation of how members' tithing is used, at the time Plaintiffs decided to pay a full tithe for a temple recommend and/or upon commitment to the Church through baptism, was a presently existing material fact made to the young people and/or potential converts to the Church as they were about to commit their lives and resources to that church.

329. A reasonable inference was drawn by Plaintiffs that the Brethren believed the correlated traditional historical narrative. Plaintiffs recently discovered that the Brethren could not have sincerely believed the correlated traditional narrative because the Brethren, current and past, together with each of those in charge of Correlation, knew about the concealed stones, artifacts, original manuscripts, documents and information in COP archives, the appreciation of which gives rise to an inference of an historical narrative materially contradictory to the traditional correlated narrative created by the Brethren and Defendant's agents.

330. These correlated representations were learned, and in turn taught by young missionaries including LAURA and prospective class members, to potential converts.

331. The representations were false because the Brethren, current and past, along with others in charge of Correlation, given its archival contents of key stones, artifacts, original manuscripts, documents, and information, did not believe the correlated rhetoric which they approve[d] and taught.

332. Alternatively, the representations were false because the Brethren, current and past, together with each of those in charge of Correlation approved the correlated rhetoric recklessly, without regard for the stones, artifacts, original manuscripts, documents, and other important information in COP/LDS archives; And/or,

333. The representations about tithing use were false because the Brethren, current and past, and COP agents who engaged in rhetoric about Church finances as related to tithing knew that from at least 2003 to 2012, if not before, that tithing principal is used by COP for commercial purposes, including but not limited to the development of City Creek shopping mall in Salt Lake City and the bailout of Beneficial life Insurance, both profit-making COP companies.

334. Alternatively, the above tithing representations were false because the Brethren, current and past, and COP agents who engaged in rhetoric about Church finances as related to tithing made the representations that tithing is used for Church [religious] purposes recklessly without regard for how COP spends the tithes donated by LDS members.

335. LDS doctrines of honesty and free agency as more fully explained above, are sincerely held religious beliefs that at all relevant times were and continue to be at odds with a practice of creating and maintaining a correlated scheme to deceive members about LDS origins as embodied in the traditional historical narrative. As such, COP did/does not have a “sincere religious belief” in deceiving Plaintiffs about LDS history, including Smith’s character. And/or

336. COP corporate leader-agents, including the Brethren and those in charge of finance did not have a “sincere religious belief” in misrepresenting how tithing is used. Doctrines of honesty and free agency as more fully explained above are sincerely held religious beliefs that at all relevant times were at odds with deceiving members about how their tithing was used.

337. COP made the representations intending that Plaintiffs would rely on those representations, to induce Plaintiffs to tithe so that they could acquire and maintain temple recommends and/or be baptized and continue to pay for ongoing access to an LDS temple.

338. Defendants, by and through its above-described agents, made the correlated representations to induce Plaintiffs to enter into an oral contract with Defendant who offered an LDS temple recommend on the condition that Plaintiffs answer affirmatively the question: “Do you have a testimony of the Restoration of the gospel of Jesus Christ [as embodied in the LDS Church]?” and/or similar questions indicating Plaintiffs’ belief that Smith was a prophet and/or in LDS theology. And, that Plaintiffs commit to pay a full tithe, defined as 10% of their income, to COP via their local leaders and/or as a COP imposed condition of membership in the LDS Church. The recommend was/is renewable upon the condition that Plaintiffs continue to pay a full tithe and profess faith in the religion.

339. COP agent leaders made the representations as to their collective belief in the traditional correlated narrative in order to induce Plaintiffs to enter into the oral contract so that it would maintain a steady stream of tithing proceeds not only to fund their religion but to use for commercial purposes in building the Empire. And/or,

340. COP agent leaders made the representations as to how tithing is used in order to induce Plaintiffs and the class to enter into the oral contract so that it could maintain a steady stream of tithing proceeds to use for commercial purposes in building and maintaining the Empire.

341. Through their representations COP compelled Plaintiffs' compliance with their scheme and induced them to believe that LDS theology was as a more reasonable and mainstream option for religious participation than it would otherwise have been if the correlated traditional narrative had been based upon the stones, artifacts, original manuscripts, documents, and information concealed. And/or,

342. Through their representations COP obtained Plaintiffs' compliance with their scheme and induced them to believe that tithing was used for LDS Church [religious] purposes, meaning that it was used to advance the three-fold mission (now called purpose) of the Church to: proclaim the gospel, perfect the Saints, and redeem the dead, and care for the poor and needy. None of these purposes contemplate commercial endeavors.

343. Plaintiffs reasonably relied on these representations without knowledge of the fact that the Brethren did not believe what they taught. They reasonably relied on the representations to formulate an opinion that Smith was a prophet and founder of LDS theology, the restored gospel of Jesus Christ. On that basis, Plaintiffs entered into ongoing oral contracts, paying up to 10% of their income as a full tithe in order to obtain and maintain a temple recommend, and/or be baptized.

344. Plaintiffs reasonably relied on the correlated representations without knowledge that the Brethren and COP agents did not believe in the correlated representations that is, without knowledge of the Brethren's true states of mind, which although may not have been to

intentionally harm Plaintiffs, was one of assuming an *in loco parentis* role, to deceive Plaintiffs’ “for their own good,” for a higher purpose and/or to expand their commercial Empire. And/or,

345. Plaintiffs reasonably relied on the representations as to how their tithing is used without knowledge of their falsity and entered into ongoing oral contracts, paying up to 10% of their income as a full tithe in order to obtain and maintain a temple recommend, and/or be baptized.

346. Plaintiffs entered into a bilateral continuing or renewable contract.

347. The contract was continuing and bilateral in that each party had simultaneous duties to perform. Each year the Bishop and/or other local leaders of the ward interviewed Plaintiffs at “tithing settlement” where Plaintiffs’ were required to affirm that they paid a full tithe for that year. If they could not so state, their temple recommend could not be renewed.

348. Plaintiffs would not have entered into the contract had they known that their leaders, those in charge of Correlation, including but not limited to Nelson, Oaks and Eyring, and/or those leaders who came before them, did not believe the traditional correlated historical narrative and its key facts as identified in the preceding paragraphs, which had been taught to Plaintiffs since before they committed to the Church. And/or,

349. Plaintiffs would not have entered into the contract had they known that their tithing was used for commercial purposes.

350. Defendant’s conduct was a substantial factor in bringing about Plaintiffs’ injuries which are of a type that a reasonable person would foresee as a likely result of his or her conduct.

351. Wherefore, since Plaintiffs’ tort claims are not entirely duplicative of their oral contract claims, LAURA GADDY individually, and on behalf of the potential Class, elects to sue for

damages for fraudulent inducement to contract as allowed under Utah Law, not limited to those circumscribed by the economic loss rule.<sup>89</sup>

**SECOND CAUSE OF ACTION: FRAUDULENT CONCEALMENT**

352. Plaintiff hereby incorporates paragraphs 1-351 above as though fully set forth herein.

353. Plaintiffs entered into a business transaction relying upon representations which COP knew to be materially misleading because of its failure to provide qualifying material.

354. Plaintiffs were in privity of contract with COP because Plaintiffs tithed and/or made a promise to do so, as consideration for a temple recommend and/or membership in the Church.

355. Under Utah law, though not a full fiduciary relationship, Plaintiffs were in the type of relationship that gave rise to Defendant's duty to disclose material facts to Plaintiffs. The duty arose due to the following aspects about the nature of that relationship: COP by and through the Brethren and other leader-agents engaged in rhetoric inviting members to trust its leaders by promising that they would never lead them astray; Plaintiffs were in privity of contract with COP as more fully described in the First Cause of Action; the relationship between Plaintiffs and the Brethren and other COP agents was generally imbalanced as a result of vast discrepancies in age, knowledge of the contents of LDS archives and academic Mormon literature, influence, bargaining power, sophistication, and cognitive ability; and, Plaintiffs had been subjected to ongoing numerous material misleading or partial representations promulgated by COP. All of these factors, taken together, gave rise to COP's duty to disclose information material to Plaintiffs' decision to join, commit to as young adults and/or to remain in the LDS Church.

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<sup>89</sup> See HealthBanc Int'l, LLC v. Synergy Worldwide, Inc., 2018 UT 61, 435 P.3d 193



356. Alternatively, even if no duty is found by the Court, COP by and through the Brethren and its agent leaders “made use of a device that misled, some trick or contrivance intended to exclude suspicion and prevent inquiry,” which constitutes fraudulent concealment under *Jensen v. IHC Hosps., Inc.*, 944 P.2d 327, 333 (Utah 1997), on reh'g (Aug. 22, 1997), in that COP concocted a correlated traditional historical narrative of Mormon history and LDS origins divorced from what a reasonable inference of that history would have been, had the existence of the stones, artifacts, original manuscripts, documents and information concealed in its archives been known by Plaintiffs. COP engaged in this deceptive scheme while simultaneously urging members to trust the Brethren and COP leader-agents, and while teaching the principles of honesty, including full disclosure, and free agency. And/or,

357. Alternatively, even if no duty is found by the Court, COP by and through the Brethren and its agent leaders “made use of a device that misled, some trick or contrivance intended to exclude suspicion and prevent inquiry,” which constitutes fraudulent concealment under *Jensen v. IHC Hosps., Inc.*, 944 P.2d 327, 333 (Utah 1997), on reh'g (Aug. 22, 1997), in that COP assured Plaintiffs that their tithing was used for church [reasonably interpreted to mean religious] purposes and activities, concealing that it was also used for profit-making enterprises.

358. The important facts that COP failed to disclose are the following: that in or before 1901 Church leadership gained custody and control of the brown opaque stone that eyewitnesses claim was used by Smith while placed in a hat, no gold plates in sight, to create the *Book of Mormon*; that COP has had the only handwritten and original account of his First Vision by Mormon founder Joseph Smith for over 100 years if not from the very beginning of Mormon history, which account differs in significant ways from the correlated version in that Smith claims to

have seen only the Lord (not two personages) who forgave him of his sins (no mention of the statement that all other creeds were false, as is included in the correlated version of the First Vision); that the Church has had since their creation in 1835 original manuscripts of the *Book of Abraham* and Smith's Egyptian Alphabet and Grammar; that Egyptologists, including LDS Egyptologists, agree that the *Book of Abraham* facsimiles do not depict the Hebrew Prophet Abraham nor the events in his life; that the printing plate used in facsimile no. 3 was metal and when viewed closely shows scrape marks where the Egyptian God Anubis' snout was likely removed, and what appears to be Anubis' ear in profile (compared to what one might think was an errant spike on top of the slave's head from a woodcut sliver—which is how the source for facsimile printing had been described prior to Oct. 29, 2018); that Smith engaged in prolific sexual liaisons, later characterized as polygamy (including to 14-year-old girls) and polyandry (marrying other men's wives), while married to Emma Hale; that Smith engaged in folk magic during the time he was contemplating retrieving the gold plates, using the same stones he used to "translate" LDS scripture; that Smith was convicted of fraud in 1826, a year before he obtained the gold plates; that he was charged with numerous other crimes, convicted of some, and fled the court's jurisdiction in others.

359. COP also failed to disclose that none of the artwork contained in the correlated traditional narrative as promulgated in manuals and publications over the last more than half a century fairly depicts the information contained through a knowledge of the stones, artifacts, original manuscripts, documents and/or other information that has been in Defendant's archives. And/or,

360. Defendant failed to disclose that tithing is used for commercial projects, including but not limited to City Creek Mail development, the bailout of Beneficial Life Insurance Co. and others.

361. For all relevant time periods, COP has known about the existence of the stones, artifacts, documents, original manuscripts, and other information more fully described above, that it has concealed for over a half century. And/or

362. For all relevant time periods, COP knowingly used tithing principal for commercial purposes.

363. Plaintiffs did not know about the existence of the stones, artifacts, original manuscripts, documents, and information described above that has been concealed by COP for over a half century. And/or,

364. Plaintiffs did not know about COP's use of tithing principal for commercial purposes.

365. COP's concealment of the existence of the stones, tools, artifacts, original manuscripts, documents, and information itemized above, were matters known to it that it knew to be necessary to disclose to its members and potential members to prevent its partial or ambiguous representations of LDS history, including the character of its founding prophet, Smith, from being misleading. And/or,

366. COP's concealment of the fact that tithing was used for commercial purposes were matters known to it that it knew to be necessary to disclose to its members to prevent its partial or ambiguous representations that tithing was used for Church purposes from being misleading.

367. COP's concealment of the existence of the stones, artifacts, original manuscripts, documents and information more specifically itemized above, was a substantial factor in causing Plaintiffs' injuries and damages in that Plaintiffs would not have paid tithing and otherwise dedicated their lives and financial support to the religion had they known that the stones, artifacts, original manuscripts, documents, and information contained in Defendant's archives

differed in significant respects from what COP promulgated in its correlated rhetoric, including the fact that the correlated artwork differs radically from what one would believe to have happened in Mormon/LDS history had one been privy to the items concealed in Defendant's archives as more fully described above. And/or,

368. COP's concealment of how it used tithing for commercial purposes was a substantial factor in causing Plaintiffs' injuries and damages in that Plaintiffs would not have paid tithing to Defendant had they known that their tithing would be used for commercial purposes.

369. Additionally, Plaintiffs' injuries and damages are a direct result and/or a reasonably probable consequence of the concealment.

370. Defendant's conduct was a substantial factor in bringing about Plaintiffs' injuries which are of a type that a reasonable person would foresee as a likely result of his or her conduct.

371. LAURA GADDY and others like her, Plaintiffs herein, were damaged as a result of COP's intentional concealment of any or all the above stones, artifacts, original manuscripts, documents, and information. And/or,

372. LAURA GADDY and others like, Plaintiffs herein, her were damaged as a result of COP's intentional concealment of its use of tithing for commercial purposes.

373. Plaintiffs have suffered damages, including general damages for emotional distress and special damages for tithing paid and the value of services rendered to COP, including but not limited to missionary service, tuition for attending an LDS affiliated school and therapy or counseling expense, based on the concealment.

**THIRD CAUSE OF ACTION: VIOLATION OF THE *UTAH CHARITABLE***

***SOLICITATIONS ACT.***

374. LAURA GADDY realleges and incorporates by reference her allegations in paragraphs 1-373 above as if fully set forth herein.

375. COP, though exempt from registration, is subject to the *Utah Charitable Solicitations Act*, Utah Code Ann. § 13-22-1.

376. The Act requires in pertinent part that:

In connection with any solicitation, each of the following acts and practices is prohibited:...

- (3) making any untrue statement of a material fact or failing to state a material fact necessary to make statements made, in the context of the circumstances under which they are made, not misleading, whether in connection with a charitable solicitation or a filing with the division...

Utah Code Ann. § 13-22-13.

377. At all relevant times, each year at General Conference COP's Brethren solicited the payment of tithing from Plaintiffs, at times going so far as to call tithing "fire insurance."<sup>90</sup>

These solicitations were also made through COP publications and by local lay leaders at the direction of COP's Brethren.

378. At General Conference and/or in COP publications and/or during solicitations by local leaders, material facts were omitted about LDS Church's key historical events, and the existence

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<sup>90</sup> "Tithing will keep your name enrolled among the people of God and protect you in 'the day of vengeance and burning' ([D&C 85:3](#))," says Elder Russell M. Nelson of the Quorum of the Twelve Apostles. Those tithed Not Burned at His Coming. ([D&C 64:23-25](#)) Pres Hinckley teaches that those tithed will not be burned at His coming.

<https://www.churchofjesuschrist.org/media-library/video/2010-07-057-those-tithed-not-burned-at-his-coming?lang=eng#d>

of stones, artifacts, original manuscripts, documents, and information related to the First Vision, the process by which LDS scripture was created and character of Joseph Smith, as more fully detailed above in the preceding paragraphs. And/or,

379. At all relevant times, each year at General Conference COP's Brethren made solicitations for tithing to Plaintiff and others similarly situated, at times going so far as to call tithing "fire insurance." These solicitations were also made through COP publications and by local lay leaders at the direction of COP's Brethren. At General Conference and/or in COP publications and/or during solicitations by local leaders, the fact that tithing was used for commercial purposes was omitted.

380. Plaintiffs relied on these misrepresentations and rhetoric that omitted material facts, i.e., that COP had custody of certain concealed items material to LDS history; and/or that COP used their tithing for commercial purposes, in deciding whether or not to donate to the Church. The misrepresentations induced Plaintiffs' to act as they did by tithing to the LDS Church.

381. Defendant's conduct was a substantial factor in bringing about Plaintiffs' injuries which are of a type that a reasonable person would foresee as a likely result of his or her conduct.

382. Plaintiff and others similarly situated were damaged in the cumulative amount of their tithing paid to Defendant.

**FOURTH CAUSE OF ACTION: CIVIL RICO —18 U.S.C. § 1962(c)**

383. LAURA GADDY realleges and incorporates by reference her allegations in paragraphs 1-382 above as if fully set forth herein.

384. COP engaged in a scheme or schemes to defraud LAURA and other potential Class members by concealing artifacts, original manuscripts, documents, and information as more fully

described in paragraphs above and concocting a correlated traditional historical narrative of LDS history which omits reference to the stones, artifacts, original manuscripts, documents, and information that it concealed. COP promulgated the correlated traditional narrative of Mormon/LDS history in contradiction to the narrative that Plaintiffs would have reasonably inferred had the stones, artifacts, original manuscripts, documents, and information been known to Plaintiffs at the time they decided to commit to the Church. And/or,

385. COP engaged in a scheme or schemes to defraud LAURA GADDY and other potential Class members by concealing the fact that tithing was used for commercial purposes.

386. This longstanding correlated pattern of affirmative misrepresentations, omissions and concealment by COP are omissions that a reasonable person would think material in the context of deciding whether to commit to the LDS Church. These facts have been known to COP from its incorporation. COP knowingly devised or knowingly participated in a scheme and/or artifice to defraud LAURA GADDY and other class members to obtain their money or property by means of false or fraudulent pretenses, representations, or promises, including key omissions and concealment as described in the preceding paragraphs.

387. COP could foresee that the U.S. Postal Service and interstate wires would be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out the fraud scheme, within the meaning of 18 U.S.C. §§ 1341 and 1343.

388. In particular, pursuant to the scheme to defraud LAURA and other class members, COP knew or could foresee that the U.S. Postal Service and interstate wires would be used to receive and/or deliver, inter alia, communications for the purpose of persuading Plaintiffs to donate their time, money, and energy for the economic benefit of the Mormon Corporate Empire.



389. COP acting singly and in concert, personally or through its agents, used the U.S. Postal Service and interstate wires or caused the U.S. Postal Service or interstate wires to be used “for the purpose of” advancing, furthering, executing, concealing, conducting, participating in, or carrying out a scheme to defraud LAURA and other class members within the meaning of 18 U.S.C. §§ 1341 and 1343.

390. It is not possible for LAURA to plead with particularity all instances of mail and wire fraud that advanced, furthered, executed, and concealed the scheme because the particulars of many such communications are within the exclusive control and knowledge of COP. By way of example, however, COP specifically used the U.S. Postal Service or interstate wires or caused the U.S. Postal Service or interstate wires to deliver each and every email, electronic transfer, conference speech, letter, mailing, mission calling, and other uses of the mail and wire described in ¶¶159-265, above.

391. Upon information and belief, some of the wire communications described above occurred between persons in the same state but crossed interstate borders by reason of the technology and other mechanisms used to transmit the communication.

392. Each and every use of the U.S. Postal Service or interstate wires described above was committed by COP acting singly and in concert, personally or through its agents, with the specific intent to defraud LAURA and other class members to obtain the money or property of LAURA and other class members by means of false or fraudulent pretenses, representations, or promises, including material omissions. COP’s acts of mail and wire fraud in violation of §§ 1341 and 1343 constitute racketeering activity as defined by 18 U.S.C.A. § 1961(1)(B).

393. The Mormon Corporate Empire (consisting of COP, CES, Correlation, IRI, DMC, DB, DNP, DDM, BIC, CPB, EPA and unnamed business entities, their employees, and local individuals who lead the Church (or any subset thereof) constitutes an “enterprise,” within the meaning of § 1961(4) & 1962(c), in that they are “a group of individuals associated in fact.”

394. The members of the Empire shared the common purpose(s) of (among other things) defrauding LDS members of money or property and publishing and otherwise disseminating and concealing religious stones, artifacts, original manuscripts, documents and/or information about LDS origins; And, or

395. The members of the Empire shared the common purpose(s) of (among other things) defrauding LDS members of money or property and publishing and otherwise disseminating and concealing information about their use of LDS members’ tithing.

396. The members of the Empire are related in that they are all involved in the correlation and publication of Defendant’s rhetoric and propaganda and in the collection and transfer of money from individual LDS members to Defendant COP.

397. The Empire possesses sufficient longevity for the members to carry out their purpose(s) in that the Empire has existed (at minimum) from the mid-twentieth century through the present.

398. COP is a “person” within the meaning of 18 U.S.C.A. § 1961(3) & 1962(c), who conducted, participated in, engaged in, and operated and managed the affairs of the Mormon Corporate Empire through a pattern of racketeering activity within the meaning of 18 U.S.C.A.

399. §1961(1), 1961(5) & 1962(c). This pattern of racketeering activity consisted of, but was not limited to, acts of mail and wire fraud as set forth in ¶¶153-265, above.

400. In the alternative to ¶¶ 393-399 above, the Mormon Educational Empire (consisting of all individual missionaries as unwitting victims), all individual conference speakers and organizers, all instructors at LDS Seminary, LDS Institute and LDS higher education colleges and universities, MTC instructors and all local lay leaders and teachers (or any subset thereof) constituted an “enterprise,” within the meaning of 18 U.S.C.A. § 1961(4) & 1962(c), in that they are “a group of individuals associated in fact.”

401. The members of the Mormon Educational Empire shared the common purpose(s) of (among other things) publishing and otherwise disseminating correlated propaganda that misrepresented Mormon/LDS history including the origins of its scripture and character of Joseph Smith, that COP agents-employees, the Brethren, and those in charge of Correlation did not sincerely believe. And/or,

402. COP engaged in a scheme or schemes to defraud LAURA and other Class members by concealing the fact that tithing was used for commercial purposes.

403. The members of the Mormon Educational Empire are related in that they are all involved in the publication and dissemination of deceptive Mormon/LDS rhetoric and propaganda and enabled the concealment of key stones, artifacts, original manuscripts, documents, and information from Plaintiffs.

404. The Mormon Educational Empire possesses sufficient longevity for the members to carry out their purpose(s) in that the Mormon Educational Empire has existed (at a minimum) from the mid-twentieth century through the present.

405. COP is a “person” within the meaning of 18 U.S.C.A. § 1961(3) & 1962(c), who conducted, participated in, engaged in, and operated and managed the affairs of the Mormon Educational Empire through a pattern of racketeering activity within the meaning of 18 U.S.C. §§1961(1), 1961(5) & 1962(c). This pattern of racketeering activity consisted of, but was not limited to, acts of mail and wire fraud as set forth in ¶¶159-265 above.

406. At all relevant times, the corporate and educational enterprises alleged in ¶¶393-405 above, were engaged in, and their activities affected, interstate commerce.

407. All of the acts of racketeering described in paragraphs ¶¶159-265, above were related so as to establish a pattern of racketeering activity within the meaning of 18 U.S.C.

§1962(c), in that their common result was to defraud LAURA and other class members of money and property; COP, through its employees, members, or agents, directly or indirectly, participated in the acts and employed the same or similar methods of commission; LAURA and class members were the victims of the acts of racketeering; and/or the acts of racketeering were otherwise interrelated by distinguishing characteristics and were not isolated events.

408. All of the acts of racketeering described in ¶¶159-265 above, were continuous so as to form a pattern of racketeering activity in that the COP engaged in the predicate acts over a substantial period (at least from the early or mid-20th Century to the present) or in that the acts of racketeering are ongoing and threaten to continue indefinitely.

409. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C.A. §1962(c), LAURA and other class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, LAURA and other potential Class members suffered damages, i.e., damages to the extent they

donated money, time and effort to the LDS Church in reliance upon Defendant COP's misrepresentations concerning (among other things) the existence of stones, artifacts, original manuscripts, documents and information in that it concealed and the creation of a correlated traditional narrative divorced from what a reasonable inference of Mormon/LDS history including Smith's character would have been, had the existence of the stones, artifacts, original manuscripts, documents and information concealed in its archives been known by Plaintiffs. COP engaged in this scheme while simultaneously urging members to trust the Brethren and COP leader-agents, and while teaching the principles of honesty, including full disclosure, and free agency. And/or,

410. As a direct and proximate result of, and by reason of, the activities of COP and its conduct in violation of 18 U.S.C.A. §1962(c), LAURA and other potential Class members have been injured in their business or property, within the meaning of 18 U.S.C.A. § 1964(c). Among other things, LAURA and other class members suffered damages, i.e., damages to the extent they donated money, time, and effort to the LDS Church in reliance upon Defendant COP's misrepresentations concerning (among other things) the use of tithing for commercial purposes.

411. LAURA GADDY and other class members are, therefore, entitled to recover threefold damages which they sustained together with the cost of the suit, reasonable attorneys' fees, and reasonable experts' fees.

412. To the extent this complaint seeks damages for personal injuries and emotional distress, such damages are not sought pursuant to this cause of action. Damages sought pursuant to this count are limited to injuries to LAURA's and the other class members' business or property.

413. LAURA and other potential Class members suffered, continue to suffer, and will suffer substantial damage to their property by reason of COP's acts of racketeering.

**FIFTH CAUSE OF ACTION: INTENTIONAL (RECKLESS) INFLECTION OF  
EMOTIONAL DISTRESS**

414. LAURA realleges and incorporates by reference her allegations in paragraphs 1-413 above as though fully set forth herein.

415. COP's above-described conduct consisting of knowingly and repeatedly misrepresenting key Mormon/LDS history, offends generally accepted standards of decency and morality. Hiding Smith's seer stone that was used to create the *Book of Mormon* for over a century, and instead widely promulgating a distorted and ostensibly more reasonable method of scriptural creation as one where Smith translated (in the ordinary sense of the word), directly from ancient gold plates, teaching lay members a version of its history through a tightly correlated narrative which its leaders do not sincerely believe, while omitting and concealing or suppressing material stones, artifacts, original manuscripts, documents and information which were known to its leaders, continues to be so extreme as to exceed all bounds of what is usually tolerated in a civilized community, and in this particular case, especially by a religious organization that preaches attributes of honesty, including full disclosure and the doctrine of "free agency," and denies that it practices and or has a religious belief in "Lying for the Lord." (§203, above)

416. COP's misrepresentation of LDS history and concealment of stones, artifacts, original manuscripts, documents, and information material to that history, was and is more than merely unreasonable, unkind, or unfair. It is the height of hypocrisy and abuse, encompassing not only a

pious, but an ongoing, pervasive secular fraud which has damaged Plaintiffs at an existential level.

417. Defendant's conduct was a substantial factor in bringing about Plaintiffs' injuries which are of a type that a reasonable person would see as a likely result of his or her conduct, including cognitive dissonance leading to depression and other emotional distress.

418. The significant injuries to Plaintiffs who only discovered the misrepresentations after a lifetime of service to the LDS Church have been documented in the aforementioned *LDSPFCR*.

419. As of at least the date the *LDSPFCR* was published, COP had actual and comprehensive knowledge of the devastating effect of its fraudulent conduct. COP made some limited effort to address the inaccuracies of the long-standing traditional narrative through the serial publication of its essays. However, the failure to announce the publication of those essays to the general membership, and indeed the concealing of the very existence as well as content of the essays due to a desire to 'inoculate' true believers, along with the continuation to spin the foundational facts amidst quasi-corrective admissions with limited distribution, is so extreme as to offend the very standards of decency and morality which COP pretends to comply, and which moral principles, in particular honesty, and free agency, it instructs its lay members to practice. This is particularly true considering the continued promises that the GAs, the Brethren, and the prophet will never lead members astray (Apostle Ballard, 2014) and, as recently as 2016, an instruction by Apostle Ballard to avoid the internet as a source for Mormon research.<sup>91</sup>

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<sup>91</sup> Apostle Russell M. Ballard, Address to the Church Educational System (CES) religious educators and missionaries, S & I personnel, and stake-called seminary and institute teachers, broadcast on Feb. 26, 2016. <https://www.churchofjesuschrist.org/broadcasts/article/evening-with-a-general-authority/2016/02/the-opportunities-and-responsibilities-of-ces-teachers-in-the-21st-century?lang=eng> (Last accessed Feb. 23, 20212.)



420. Said infliction of emotional distress is continuing and ongoing since there are close family and friends of Plaintiff LAURA, and upon information and belief, friends and families of each potential class member who believe that Plaintiff and Class members are evil, of the devil, spew Anti-Mormon lies, etc., due to their questioning and/or disagreement with COP's longstanding narrative. This schism among members and former members has led to a myriad of emotional stressors, as listed above and as more fully documented in the *LDSPFCR*.

421. Said damage will continue until and unless COP's top hierarchal employees and local agent-leaders make unequivocal statements owning their prior intentional and/or reckless misrepresentations, including concealment of key stones, artifacts, original manuscripts, documents, and information relative to Mormon/LDS history and fully acknowledge their longstanding scheme to all LDS members and potential members. Only then will the significant damage to the mental and emotional health of former and questioning members and to the relationships, both familial and collegial, amongst those subsets of LDS Church members, questioning and former, begin to heal.

**PRAYER FOR RELIEF**

422. WHEREFORE, Plaintiff LAURA GADDY, individually and on behalf of the Class, prays for the following judgment:

423. An order certifying the Class as defined above, appointing Plaintiff LAURA as the representative of the Class, and appointing her counsel as Class Counsel; and

424. An award of special damages in the actual out-of-pocket monetary loss from such violations in the sum of the amount that Plaintiff and each class member has paid in tithing,

donations to the Church except for fast offering donations, tuition at LDS colleges and/or universities, and missionary expense individually and for their children or others, over the course of their affiliation with the LDS Church.

425. An award of reasonable attorneys' fees and non-taxable costs to be paid out of the common fund prayed for above; and,

426. Attorneys' fees and litigation expenses as items of special damages; and

427. As to the RICO claim: Treble damages pursuant to 18 U.S.C.A. § 1964(c); Attorney fees and costs pursuant to 18 U.S.C.A. § 1964(c); and,

428. General Damages for causes of action other than under RICO; and

429. Punitive damages for common law and statutory fraud-based claims except RICO; and

430. For interest at the judicial rate; and,

431. For such other and further relief that the Court may deem reasonable and proper.

### **JURY DEMAND**

432. Plaintiff LAURA GADDY, individually and on behalf of the prospective class, requests a trial by jury of all claims that can be so tried.

Respectfully Submitted,

Dated: the 17<sup>TH</sup> of March 2021

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